Final Environmental Impact Report
SCH# 2005101018
Volume XVI
Chapters 7 - Response to Comments

Tejon Mountain Village by TMV, LLC

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Kern County
Planning Department
Public Services Building
2700 M Street, Suite 100
Bakersfield, CA 93301-2307
(661) 862-8600

August 2009
TO COMMENTING AGENCIES AND INTERESTED PERSONS

Re: ENVIRONMENTAL IMPACT REPORT:
 Draft Environmental Impact Report
Tejon Mountain Village – Response to Comments

Enclosed is a document entitled Volume XVI, XVII, XVIII – Chapter 7 – Response to Comments for the above referenced project. Section 15099 of the California Environmental Quality Act (CEQA) Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Environmental Impact Report (EIR) and prepare a written response addressing each comment. This document is Chapter Seven (7) of the Final EIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider the request on September 10, 2009, at 7:00 p.m. or soon thereafter, at the Chamber of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project. If you have any questions regarding the scheduled hearing or the Response to Comments, please contact Craig M. Murphy, Supervising Planner at (661) 862-8739.

Very truly yours,
TED JAMES, AICP, DIRECTOR
Planning Department

By Craig M. Murphy
Supervising Planner

COMMENTING AGENCIES AND INTERESTED PERSONS: Attached
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Prepared by:

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August 2009
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Attachment B: Addendum to Volume VII of the Draft EIR, Appendix D-4 URBEMIS 2007 Output Files for Project Operation

Attachment C: Addendum to Volume VII of the Draft EIR, Appendix D-4 CALINE 4 Outlines Files for the CO Hotspot Modeling

Attachment D: Addendum to Volume VII of the Draft EIR, Appendix D-4 URBEMIS 2007 Output Files for Local Projects

Attachment E: Addendum to Volume XI of the Draft EIR, Appendix F-4 Historic Resources Assessment for the Southern California Gas Complex, Lebec, California

Attachment F: Addendum to Volume XI of the Draft EIR, Preliminary Geotechnical Exploration and Summary of Geologic Constraints

Volume XVIII

Attachment G: Addendum to Volume XII of the Draft EIR, Appendix H-10 Letter from Tejon Ranch Company to U.S. Navy

Attachment H: Addendum to Volume XII of the Draft EIR, Reference for Appendix I-1 Lake Technical Study

Attachment I: Addendum to Volume XII of the Draft EIR, Addendum to Appendix I-1 Additional Figures

Attachment J: Addendum to Volume XIV of the Draft EIR, Appendix I-3 Letter from Tejon Ranch Company:
TMV DEIR, Castac Lake Questions
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Attachment K: Addendum to Volume XV of the Draft EIR,
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Tejon Mountain Village Traffic Study
Chapter 7
Response to Comments

7.1 Introduction

Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning Department is serving as “Lead Agency” for the preparation of the Environmental Impact Report (EIR) for the Tejon Mountain Village Project (Project). The Final EIR presents the environmental information and analyses that have been prepared for the proposed Project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. This document, along with the responses to comments, in combination with the Draft EIR and the Mitigation Monitoring Program, will be used by the Planning Commission and Board of Supervisors in the decision-making process for the proposed Project.

Environmental Review Process

A Notice of Preparation/Initial Study (SCH No. 2005101018) was circulated for a 30-day public review period beginning September 30, 2005, and ending on November 4, 2005. A scoping meeting was noticed and held on October 21, 2005. A total of thirty-six (36) commentors responded in writing to the NOP/IS. Additionally, a web-based email campaign was launched during circulation of the NOP/IS. The Draft EIR for Tejon Mountain Village was circulated for a 45-day public review period beginning on May 29, 2009 and ending on July 13, 2009. Two-thousand two-hundred and sixteen comment letters were received on the Draft EIR by the end of the comment period, including 2,086 form letters from a web-based email campaign and 58 form letters requesting an extended comment period on the Draft EIR. Ten comment letters were received on the Draft EIR after close of the comment period.

Section 15088 of the CEQA Guidelines requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing each of the comments received. The response to comments is contained in this Volume 16, Chapter 7 of the Draft EIR. Volumes 1 through 16 together comprise the Final EIR. A list of agencies, organizations, and interested parties who have commented on the Draft EIR is provided below.
Revisions made to the text of the Draft EIR are provided in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, of this chapter. Errata to the text of the Draft EIR are provided in Section 7.3, ERRATA TO THE PROJECT DRAFT EIR, of this chapter. New or revised Figures added to the EIR are included in Section 7.4, FIGURES, of this chapter. Responses to three common comments are consolidated in Section 7.5, GLOBAL RESPONSES, of this chapter. The comment letters received and the names of the commentors are listed in Section 7.6, RESPONSES TO COMMENTS. A copy of the form letter requesting an extended comment period, a list of signatories, and the response sent out by Kern County in response is provided as Letter 59 with a corresponding response. The comments and responses are grouped in four categories: federal agencies, state agencies, local agencies, and interested parties. The comments immediately precede the corresponding responses. Copies of the letters, with all individual comments indicated, are provided in this chapter. Last, a list of references is provided in Section 7.7, REFERENCES.

**Federal Agencies**

Letter 1—U.S. Department of Agriculture, Forest Service

Letter 2—Department of the Navy

**State Agencies**

Letter 3—Department of Conservation, Division of Oil, Gas and Geothermal Resources

Letter 4a—Department of Water Resources

Letter 4b—Department of Water Resources

Letter 4c—Department of Water Resources

Letter 5—Department of California Highway Patrol

Letter 6—State Water Resources Control Board

Letter 7—Department of Public Health

Letter 8a—Department of Transportation

Letter 8b—Department of Transportation

Letter 8c—Department of Transportation

Letter 9—Department of Fish and Game

Letter 10—Native American Heritage Commission

Letter 11—Governor's Office of Planning and Research
Letter 12—Department of Parks and Recreation

**Local Agencies**

Letter 13a/b—Kern County Resource Management Agency – Roads Department
Letter 14—Arvin Union School District
Letter 15—El Tejon Unified School District
Letter 16—Kern County Water Agency
Letter 17—California Regional Water Quality Control Board
Letter 18—Southern California Edison
Letter 19—County of Ventura Resource Management Agency
Letter 20—San Joaquin Valley Air Pollution Control District
Letter 21—Kern County Waste Management District
Letter 22a—Kern County Engineering & Survey Services Department
Letter 22b—Kern County Engineering & Survey Services Department
Letter 23—Kern County Air Pollution Control District

**Interested Parties**

Letter 24—Center for Race, Poverty and the Environment
Letter 25—TriCounty Watchdogs
Letter 26—Defenders of Wildlife
Letter 27—Silan, Sheila
Letter 28—de Leeuw, Jan
Letter 29—Hallmark, Douglas
Letter 30a—Huskey, Candace
Letter 30b—Huskey, Candace
Letter 31—Suzuki, Coral
Letter 32—California Farm Bureau Federation
Letter 33—Welles, Richard and Betty
Letter 34—Spencer, Walt and Diana
Letter 35—Quercus Group
Letter 36—Mills, Grant
Letter 37—Anderson, Eric
Letter 38—Brown, Larry
Letter 39—Lichter, Sigmund
Letter 40—Concerned Citizen
Letter 41—Kern LINCC
Letter 42—Schmidt, Richard
Letter 43—Tominaga, Janine
Letter 44—Lockhart, Mary Ann
Letter 45a—Anderson, Anita
Letter 45b—Anderson, Anita
Letter 46a—Wiens, Lloyd
Letter 46b—Wiens, Lloyd
Letter 47—Dominguez, Delia
Letter 48—Gunther, Don
Letter 49—Law, Dennis
Letter 50—Longbow, LLC (Leo Mark Hinds)
Letter 51—King, Katherine
Letter 52—Tejon Ranch Company (Stein, Robert)
Letter 53—Wild Heritage Planners
Letter 54—Griffin, Mary
Letter 55a—Hamber, Bob
Letter 55b—Hamber, Bob
Letter 56—Bellah, William
Letter 57—Morrissy, Marie
Letter 58—SCOPE
Letter 59—Request for Extension
7.2 Revisions to the Project Draft EIR

The following revisions are made to the text of the Tejon Mountain Village Draft EIR. Amended text is identified by page number. Clarifications and additions to the Draft EIR are shown with underlining and text removed from the Draft EIR is shown with strikethrough.

Chapter 4

Page 4.1-21

View From Fort Tejon State Historic Park

Fort Tejon State Historic Park, listed on the National Register of Historic Places, was considered at the time view analysis study sites were selected, however preliminary analysis revealed that there would be no urban landscape impact on the State Park, based upon extremely minimal views of the Project from this vantage point. This is shown by Figure 4.1-15, "Viewshed Study – Visibility Analysis Between Fort Tejon Area and TMV Development Envelope." While there is a possibility that three or four of the Project's residential units could be seen from the State Park as far in the distance, Design Guidelines will restrict development in these areas to ensure that buildings are sensitively sited, and that a rural character is maintained. Accordingly, it was not determined that the potential impact would be great enough to warrant further analysis.

Page 4.1-25

Mitigation Measure 4.1-5: All external lighting fixtures shall be permanently hooded or screened to prevent light and glare from spilling onto adjacent properties. This mitigation measure shall be included on the list of Design Guidelines in the Tejon Mountain Village Specific and Community Plan. The golf courses within Tejon Mountain Village shall not have night lighting.

Page 4.3-3

For the southernmost portion of the SJVAB, steady winds are typical in the mountainous area that characterizes this portion, and quickly disperse air pollutants. However, wind access to the SJVAB from the west and east is limited by the Coastal Range Mountains and the Sierra Nevada Mountains, respectively. In addition, southerly passage of airflow is obstructed by the Tehachapi Mountains. As a result of these geographic conditions, pollutants generated by the proposed project have the potential to contribute to cumulative pollution problems in Kern County and throughout the SJVAB.

Page 4.3-5

Although ozone transport does occur from the SJVAB to the MDAB, as discussed below, the Project includes a Voluntary Emission Reduction Agreement (VERA) that requires full mitigation of ozone precursors (nitrogen oxides [NOX] and reactive organic gas [ROG]) within the SJVAB. The VERA represents a Development Mitigation Contract (DMC) entered into
between the Project applicant and the San Joaquin Valley Air Pollution Control District (SJVAPCD or District). Because the Project would not result in any increase in ozone transport above current levels to the MDAB, this impact is not analyzed in depth.

Page 4.3-9 to 4.3-10

Table 4.3-3 describes the attainment status of the MDAB. Although a small portion of the project site (approximately 67 acres) is located in the MDAB, no development would occur on this portion of the project. Further, as noted above, due to the VERA that commits the project applicant to full mitigation of ozone Tejon Mountain Village Section 4.3 Air Quality and Climate Change Draft Environmental Impact precursors (NOX and ROG) emissions within the SJVAB, the project would not result in any additional ozone transport to the MDAB.

Page 4.3-117

Mitigation Measure 4.3-4: Tejon Mountain Village shall affirmatively promote the use of alternative fuel technologies for construction vehicles (as defined by the San Joaquin Valley Air Pollution Control District as, construction vehicles used for land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of any structure) by including language in construction bid specifications and weighting the use of alternative fuel technologies in the selection of construction contractors. During all grading and construction activities, the following requirements shall be imposed on construction equipment:

a. Tier 2 or Tier 3 engines shall be used on all equipment;

b. Engines on all off-road construction equipment must be no more than 10 years old or have equivalent emissions of an engine 10 years old or newer. This measure excludes water trucks;

c. Diesel particulate filters shall be required on many pieces of equipment;

d. Diesel oxidation catalysts shall be required on all equipment;

e. Global positioning systems shall be used to guide grading equipment.

f. All diesel-fueled engines used in construction and grading shall have clearly visible tags issued by the onsite designee of the applicant showing that the engine meets these conditions.

As feasible, Lake Drive will be utilized by construction equipment accessing the Project site. Should use of the Rising Canyon access point be necessary via the Fort Tejon interchange at Interstate 5, the Project applicant will prepare, and shall provide to ETUSD for review and comment, a Construction Traffic Control Plan that identifies the safety measures that will be utilized to minimize interference with the students and faculty of El Tejon school. Safety measures may include flag persons, traffic cones, limited hours of operation, etc.
Mitigation Measure 4.3-6: The project applicant shall incorporate measures into the design and operation of the proposed project to ensure energy efficiency that is 25% beyond what is required by 2008 Title 24 Standards on a time dependant valuation basis, which shall be verified by an energy audit.

a. **Energy Efficiency**. Custom lot owners and builders shall be subject to energy efficiency requirements of 25% above 2008 Title 24 Standards on a time dependant valuation basis, which increase energy efficiency and reduce emissions.

i. An Energy Incentive Program for builders and custom lot owners shall require at least 25% efficiency beyond what is currently required in 2008 Title 24 Standards on a time dependant valuation basis. To meet this efficiency requirement, builders and custom lot owners may select from the following but are not limited to the list of possible items below. An energy audit shall be conducted in order to verify that this requirement is met. Consideration shall be given for computer modeling tools and simulation programs that shall help identify the best combination of energy-efficient strategies, including passive solar heating, cooling, and daylighting of interior spaces, and to maximize winter sun exposure.

a. Energy Star appliances, including clothes washers, dishwashers, refrigerators, air conditioning units, and water heaters, may be installed. These appliances use 10–15% less energy and water than standard models (U.S. Environmental Protection Agency 2008a).

b. Energy Star qualified lighting products may be installed for indoor and outdoor lighting in residential and commercial buildings. Energy Star qualified lighting can use up to 75% less energy than standard lighting (U.S. Environmental Protection Agency 2008b).

ii. Wood-burning fireplaces shall be prohibited in all structures (residential and commercial). High-Efficiency Particulate Arresting (HEPA) filters are required on all under-fired charbroilers in all restaurants.

iii. Builders and custom lot owners in Tejon Mountain Village shall be required to site, orient, and design buildings to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure. The guidelines below are provided as a menu approach to selecting the most practical design features for the building or home to achieve the required level of energy efficiency.

a. Buildings and homes designed and oriented such that one axis of each structure is at least 1.5 times longer than the other and such that the longer axis is within 15 degrees of the geographical east/west axis generally achieve optimal conditions for natural heating and cooling. Walls enclosing spaces such as garages or porches are not included in this measurement. (This design option is most practical for custom home projects.)
b. Homes oriented so that the south side of the home is within 30 degrees of due south facilitate maximum solar gain.

c. By clearing the southern exposure of buildings of large obstacles, such as tall buildings or tall trees that block sunlight, interior spaces will achieve maximum solar gain. Limited building exposure to the north will minimize the effect of winter cold on interior spaces.

d. South-facing windows that receive full sun can be shaded with some combination of landscaping, overhangs, shutters, and solar window screens to help optimize southerly solar heat gain in winter and shading in summer.

e. By placing habitable rooms on the south side of buildings and by placing rooms with minimal heating and lighting requirements (e.g., closets, corridors, laundry, garage, utility rooms) along the north side of buildings and homes, natural heating and cooling can be optimized.

f. The placement of windows on buildings or homes directly impacts the natural heating and cooling functions of the structure. To optimize southern solar heat gain, major window openings can be located on the southeast, south, and southwest sides of the building or home. To minimize cold winter exposure, windows on the north, east, and west facing walls can be kept small in size.

iv. Heating and cooling optimization shall be required through building design to minimize the need for mechanical cooling and heating. The following measures shall be provided to guide building design and material selection

a. Top-quality windows provide added insulation for buildings and homes, keeping interior spaces cool in the summer and warm in the winter. Building glazing can be optimized by evaluating the R-value, visible light transmittance, and solar heat gain coefficient of the glass.

b. Thermal mass can be incorporated in floors and walls to serve as a heat sink for direct passive solar heating strategies and to minimize indoor temperature fluctuations. Radiant floor heating produced by a solar hot water system can also assist in maintaining indoor temperatures and comfort.

c. Exterior sun controls and shading techniques such as trees, awnings, or trellises, as opposed to interior controls such as drapes and shutters, will block light and heat before they penetrate the building or home, thereby reducing energy demand from mechanical cooling and heating.

d. By strategically locating shade trees, trellises, awnings, exterior blinds, or shutters, the use of glazing can be minimized and shaded.

e. Skylights can be used for direct heat gain. Skylights can be used for natural lighting and indirect (i.e., solar tube) to eliminate overheating and glare.
f. Building openings can be arranged to catch cooling summertime breezes. Outlet openings can be sized and located so as to accelerate the flow of breezes through habitable rooms.

g. Vegetation, water ponds, or fountains placed outside inlet openings will pre-cool air flow into buildings. Asphalt driveways and other “heat sinks” (area or object that absorbs and dissipates heat) placed immediately outside inlet openings will trap heat and prevent cool air from flowing into buildings and homes.

h. Reflective foil and airspace underneath the roof sheeting can be used to reduce heat penetration.

i. Architectural devices such as cupolas, belvederes, operable skylights, clerestory windows, and thermal chimneys at roof peaks can be incorporated to extract heat from interior spaces.

j. Light-colored, nonreflective finishes can be used and balanced with glare control for outdoor sidewalks, driveways, patios, and parking areas to keep surfaces cool and reduce the potential for “heat sinks.”

v. Natural lighting shall be optimized to provide daytime interior lighting and minimize the need for artificial lighting. The following measures are provided to guide natural lighting optimization:

a. Clerestory windows, roof monitors, and skylights can be installed for overhead natural lighting; however, consideration should be given to potential overheating from skylights.

b. Reflective ceilings and light-colored interior surfaces will increase interior lighting.

c. Shading devices can be incorporated to minimize direct-beam sunlight penetration into workspaces. Task lighting can supplement natural lighting in workplaces.

d. Lighting and control systems, such as automated natural light-actuated controls that adjust depending on the amount of natural light entering the interior space, can be arranged for maximum flexibility and adjustability depending on the layout of the building or home and the natural exposure of the structure to natural daylighting.

e. Maximum daylighting can be achieved by zoning lighting so that lights near windows can be off at times when lighting further from the window is necessary.

b. **Solar Energy.** Solar energy technology shall be utilized in the Tejon Mountain Village area to maximize power obtained from renewable energy sources. Active solar energy systems such as photovoltaic installations and solar hot water systems provide access to renewable energy.
i. All community amenity buildings shall be equipped with active solar energy systems.

ii. All pools and spas shall be equipped with solar hot water systems.

iii. Active solar dryers shall be installed for the wastewater plant.

iv. All homebuyers shall be provided the option to include a photovoltaic array system as a home design feature.

v. All single-family residences shall include capacity for an electric-vehicle recharger, or the equivalent, in an appropriate location of the garage.

c. **Water Conservation.** Water efficiency measures shall be implemented in the Tejon Mountain Village area to minimize water demand and maximize use of recycled water. Each building or home shall be assigned a Maximum Applied Water Allowance budget that must not be exceeded.

   i. A Water Wise Program shall be implemented within Tejon Mountain Village that includes all feasible mitigation measures that will reduce water and energy use. Builders, developers, and custom lot owners shall be required to implement water and energy use reduction measures such as interior fixtures, tankless water heaters, and low-flow plumbing to assist in complying with the Maximum Applied Water Allowance for each land use. Installation of high-efficiency plumbing fixtures that meet the definition of high-efficiency toilets and high-efficiency clothes washers should be incorporated when feasible.

      a. Homeowners shall be required to select plants from the Tejon Mountain Village Landscape Plant List so that the estimated applied water use recommended for the project site does not exceed the Maximum Applied Water Allowance budget that is assigned to each lot or home. Similar species may be approved by the Homeowner’s Association Design Review Committee.

      b. The following measures regarding plant selection and placement are required and shall be enforced through review of landscape plans:

         i. To the extent feasible, native species and natural vegetation should be protected and preserved.

         ii. Stockpiling of top soil for use in restoration of native and natural vegetation is required.

         iv. Preference should be given to selecting water-efficient plants.

         v. Selection of plants from local and regional landscape program plant lists (e.g., California Friendly Landscapes, Lush & Efficient) should be considered.

         vi. Plants with similar water needs should be grouped into distinct hydrozones (i.e., very low, low, medium, or high water needs).
c. Plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Invasive species of plants, as listed in the Prohibitive List contained in the Tejon Mountain Village Master Design Guidelines, shall not be planted within the project area. The following additional guidelines are highly recommended:

i. The Sunset Western Climate Zone System should be used, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate.

ii. Horticultural attributes of plants should be considered (e.g., mature plant size, invasive surface roots) to minimize damage to property or infrastructure such as buildings, sidewalks, power lines, etc.

iii. Solar orientation of plants placement should be considered to maximize summer shade and winter solar gain.

d. The following standards are required for all turf areas to reduce irrigation runoff and overspray and to improve irrigation efficiency:

i. Installation of long, narrow, or irregularly shaped turf areas less than 8 feet wide in all directions is not permitted unless such areas are irrigated with subsurface irrigation or other low-volume irrigation such as surface drip.

ii. Turf areas irrigated with overhead spray and rotary heads should be set back a minimum of 24 inches from curbs, driveways, sidewalks, or any other areas that may direct runoff and overspray onto the pavement. The landscape buffer created by the setback may be covered with mulch, permeable materials, or vegetated with plant material on drip irrigation or other low-volume irrigation.

iii. Preference should be given to water-efficient turf species that require minimal use of pesticides and fertilizers and are resistant to disease.

iv. A minimum 3-inch layer of mulch should be applied on all exposed soil surfaces of planting areas except in turf areas and creeping or rooting groundcovers. In mulched planting areas, use of drip irrigation systems is required.

e. The following soil management practices shall be considered and evaluated for appropriate implementation in landscape design to minimize water runoff and maintain plant health:

i. Soil texture (percent clay, silt, and sand);
ii. Approximate soil infiltration rate;

iii. pH levels;

iv. Total soluble salts; and

v. Other physical or chemical properties of soil relevant to improving water efficiency and maintaining plant health, such as conductivity and levels of nitrogen, phosphorus, potassium, calcium, magnesium, sodium, and sulfur.

f. The water used for water features on the Tejon Mountain Village project site shall be managed according to the following requirements:

i. Recirculating water shall be used for decorative water features.

ii. When available, recycled water shall be used as the source for water features on golf courses, hotels, and commercial centers.

iii. Surface area of water features shall be included in the Maximum Applied Water Allowance calculation. The evaporation rate for all water features shall be equivalent to the evapo-transpiration rate of a high plant water use.

iv. Pool and spa covers are required.

g. Irrigation shall be designed to maximize water efficiency and meet Maximum Applied Water Allowance requirements. The following irrigation efficiencies shall be required:

i. For optimum water efficiency, the irrigation system shall be designed to match plant type and not cause the home or lot to exceed the Maximum Applied Water Allowance.

ii. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions that cause irrigation water to flow onto adjacent properties, nonirrigated areas, hardscapes, roadways, or structures.

iii. Soil types and infiltration rates shall be considered in irrigation system design.

iv. Irrigation system design shall conform to the hydrozones of the landscape design plan.

v. Trees shall be placed on separate valves from shrubs, groundcovers, and turf areas, where feasible.

vi. Head-to-head coverage is required when designing the sprinkler system to ensure uniform water application. Consideration shall be given to the prevailing wind direction and speed to make
necessary adjustments. The coefficient of uniformity should be as close to 1.0 as possible.

vii. Long, narrow, or irregular-shaped landscape areas and median islands or strips less than 8 feet wide shall be irrigated with subsurface irrigation or other low-volume irrigation, such as surface drip.

viii. “Smart” controllers such as weather-based irrigation controllers or other self-adjusting irrigation controllers are required for all irrigation systems and must be able to accommodate all aspects of the landscape and irrigation design plans.

ix. Placement of valves as close as possible to the point of connection of the water supply is required to minimize water loss caused by an emergency situation (e.g., water main break or repair).

x. Sensors that suspend irrigation during unfavorable weather conditions (i.e., rain, freeze, wind) are required on all irrigation systems.

d. **Educational Outreach.** An education and outreach program to the existing and future Tejon Mountain Village community shall be provided to encourage the sustainable design features offered by Tejon Mountain Village. The educational outreach program includes the following components:

i. Environmental education program to promote advantages of water conservation, energy efficiency, limited site disturbance, open space preservation, and renewable energy technologies.

ii. A temporary “Eco-House” to be built on site as a prototypical residential green structure. The model home will function as a resource center to showcase green technologies and serve as a centralized information repository for sustainable development technologies, resource materials, and best practices for sustainability. Eventually, the model eco-house will be sold as part of the model home sales for Tejon Mountain Village.

iii. Coordination with the Tejon Ranch Conservancy and other similar organizations such as the Mountain Lion Foundation, The Nature Conservancy, Endangered Habitats League, The Sierra Club, the Audubon Society, and the Natural Resources Defense Council to prepare, periodically review, and produce materials for the educational program.

iv. Conservation education and citizen awareness program for the open space areas, informing residents and guests of the natural resource values and vulnerabilities within the Tejon Mountain Village open space areas.
Mitigation Measure 4.3-15: Construction activities within 1,500 feet of any school will be limited to after-school hours, weekends, or times when the school is not occupied unless a written agreement is provided from the school district allowing for other hours.

At least 14 days prior to the commencement of any construction activity that would take place within 1,500 feet of El Tejon Middle School, the Project applicant shall provide for El Tejon Unified School District's review and comment on a Construction Operations Plan that identifies the activities to be undertaken, the type of equipment to be used, and the scheduled hours of use for each type of equipment.

A setback area of 300 feet from areas with more than one potential source of TACs shall be required for all residential structures. A setback area of 500 feet from Interstate 5 shall be required for all sensitive land uses.

Protected Wildlife Species under the California Endangered Species Act

There are six species protected under CESA detected on site and listed in Table 4.4-15: the American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), California condor, little willow flycatcher (*Empidonax traillii brewsteri*), Swainson's hawk (*Buteo swainsoni*), and Tehachapi slender salamander (white-tailed kite (*Elanus leucurus*). Further information about these species is provided below.

Mitigation Measure 4.4-1: The following shall be implemented prior to the issuance of any certificate of occupancy for the site:

a. Hunting within the project site shall be limited to guided hunts, generally as required to control wildlife and non-native, invasive species (e.g., wild pigs). All participants in any such onsite population management efforts shall be educated
in the identification and behavior of the California condor, golden eagle, bald eagle, and prairie falcon, and supervised by a trained hunting guide to avoid any accidental encounter with these species. In addition, non-permitted hunting of any wildlife species shall be strictly prohibited, which will also be subject to enforcement by the project Conservation Managers and trained hunting guides. Pursuant to the lead ammunition ban that was implemented over the entire Tejon Ranch beginning January 1, 2008, only non-lead ammunition shall be used at all times within the project site during hunts of any kind.

b. An amendment to the existing agreement between the County and the U.S. Department of Agriculture (USDA) shall be executed or other implementation mechanism as approved by the Planning Department, to provide funding to cover the costs for depredation management associated with the on-site implementation of the Tejon Mountain Village Community and Specific Plan.

Page 4.4-119 to 4.4-120

Mitigation Measure 4.4-4: The following shall be implemented to address potential impacts to California condor:

a. A condor educational curriculum shall be created and disseminated that will include information concerning prohibited behaviors related to condors such as the pursuit, capture, and harassment of condors and all other potential direct interaction with the species. Compliance with condor protection measures will be implemented by means of covenants, conditions, and restrictions (CC&Rs) recorded on each of the private parcels within the Tejon Mountain Village Specific and Community Plan or by similarly enforceable measures.

b. Tejon Mountain Village, LLC shall provide for routine community maintenance activities that will include regular efforts to eliminate microtrash on and near all roads and back-country areas where human presence has occurred. All trash receptacles will be fitted with animal- and weather-resistant lids.

c. Construction workers, Tejon Ranch staff, and residential and commercial occupants and their guests shall be required to cease any behavior that constitutes an attractive nuisance or otherwise presents an unreasonable and avoidable danger to California condors upon direction by the property owner’s association manager, in consultation with the Project Biologist, and California Department of Fish and Game. The CC&Rs shall provide examples and authorize the Project Biologist to respond to changing California condor behaviors, human activities, and other conditions with restrictions that are the least intrusive necessary to provide the protection intended.

d. Recreational activities, particularly organized hikes or similar events, and filming projects on key ridgelines and on other areas where condor are known or expected to occur, shall be closely regulated to minimize any effects that could disturb feeding or roosting condors. Such regulation can include the dissemination of information regarding condors, and steps to take to avoid and minimize potential disturbances to condors, prior to any organized events that will take place in or adjacent to areas where condors may feed or roost.
Information, as stipulated in Mitigation Measure 4.4-3, regarding microtrash and appropriate behaviors if condors are encountered, shall be disseminated to guests and/or visitors to all backcountry cabins.

**Page 4.4-120 to 4.4-121**

**Mitigation Measure 4.4-5:** The following shall be implemented to address potential impacts to California condor:

a. On Grapevine, Middle, Squirrel, Silver, Lolas, and Geghus Ridges, including the upper slopes on either side of these ridges; the east–west ridge above Rising Canyon; or on any other ridge within the Tejon Mountain Village Specific Plan area deemed by the Project Biologist as suitable foraging habitat for condors, the following restrictions shall apply:

i. The project shall not place or allow the placement of any antennae outside of existing antenna farms or place new antennae or extend current antennae within an existing antenna farm if any such antenna would be higher than other existing antennae in the existing farm. Currently, the tallest antenna is 100 feet high.

ii. The project may construct and maintain, or allow any third party to construct and maintain, phone towers consisting of single telephone/cell phone poles of standard height or other similar structures outside of existing antenna farms. The tops of such phone towers and electricity poles must not extend above any of the above-identified ridges likely to be used by California condors.

iii. All surfaces on new antennae and phone towers shall be designed and operated with anti-perching devices. All antenna and phone tower sites shall be kept clean of debris, such as cable, trash, and construction materials.

b. Because of the potential for raptors, including the California condor, to collide with wind turbines, no wind farms or wind turbines shall be constructed anywhere on Tejon Mountain Village (and Tejon Ranch Company agrees to expand the ban to all Ranch lands). However, individual wind turbines, which have the primary purpose to serve electrical generation needs on site, may be constructed if, after review and approval by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, such turbines are of a design and in a location that would not pose a threat to California condors.

c. No new aboveground high-voltage towers, transmission lines, or other aerial obstructions with dimensions that have been associated with condor mortality shall be built within the project area. Relocation of existing towers and lines shall be permitted within 1,000 feet of existing lines as long as they do not occur on the ridgelines, or break the ridgelines, of Grapevine, Middle, Squirrel, Silver, Lolas, or Geghus Ridge.
d. Communication towers may be placed on the project site to assure adequate communications are available for Kern County’s emergency services and other purposes, provided that such towers are not served by electricity from any new above-ground powerlines except in the immediate vicinity of the tower itself. Such towers will be designed with anti-raptor devices or other measures to discourage use by, and collisions with, raptors and other protected bird species. Such towers may be constructed if, after consultation with the US FWS, such towers are of a design that would not pose a threat to California condors.

Page 4.4-126 to 4.4-127

Mitigation Measure 4.4-17: The Property Owners Association shall supply educational information to residents regarding pets, wildlife, and open space areas. The material will discuss the presence of native animals (e.g., coyote, bobcat, and mountain lion), indicate that native animals could prey on pets, and indicate that no actions will be taken against native animals should they prey on pets allowed outdoors by their owners.

To protect biological resources that are particularly sensitive to pet disturbance, pets shall be leashed while using the designated trail system and/or in any areas within or adjacent to open space. This restriction shall be noted in educational information provided to residents by the Property Owners Association and on trail system and open space signage maintained by the project Conservation Managers. In designated areas where biological resources are not sensitive to pet disturbance, which will be determined by the project Conservation Managers, pets can be leash-free under sufficient voice control to restrict the pets to existing trails. Control of stray and feral cats and dogs shall be conducted in open space areas on an as-needed basis by the project Conservation Managers, as described in the Tejon Mountain Village Framework Resource Management Plan (Appendix B-1). Stray and feral cats and dogs may be trapped and deposited with the local Society for the Prevention of Cruelty to Animals, the Kern County Department of Animal Control, or Shelter on the Hill Humane Society.

Mitigation Measure 4.4-18: As identified in the Tejon Mountain Village Framework Resource Management Plan (Appendix C of the Tejon Mountain Village Specific and Community Plan), the project Conservation Managers, in consultation with CDFG, and with the Property Owners Association Manager acting as the lead manager, shall develop and implement a conservation education and citizen awareness program for the open space areas informing the public of the special-status biological resources present within Tejon Mountain Village and providing information on common threats posed by the presence of people and pets to those resources. This shall include the following:

a. The project Conservation Managers shall install trailhead and trail signage indicating that the project open space is a biological conservation area and requiring that people and their animals stay on existing trails at all times. Signage shall also be posted near Castac Lake stating that feeding wildlife is prohibited.

b. The project Conservation Managers shall provide periodic maintenance patrols to remove litter and monitor trail expansion and fire hazards within the project open space.
c. The education program shall discuss the negative impacts of unauthorized capturing (i.e., poaching) of wildlife. The education program regarding unauthorized wildlife capture shall highlight the negative impacts of collecting salamanders.

**Page 4.4-128 to 4.4-129**

**Mitigation Measure 4.4-20:** The operator of the golf course shall prepare a golf course maintenance plan, which will include procedures to control impacts to stormwater quality and groundwater quality as a result of golf course maintenance practices, including irrigation and use of fertilizers and pesticides. The golf course maintenance plan will address potential conflicts with native burrowing animals. The golf course maintenance plan shall be prepared in accordance with federal and state laws governing the use of pesticides and fertilizers and shall be coordinated with the Integrated Pest Management plan (Mitigation Measure 4.4-14). The use of rodenticides will be avoided to the maximum extent practicable. The golf course maintenance plan shall be finalized prior to issuance of a certificate of occupancy for the golf course maintenance building.

**Mitigation Measure 4.4-22:** The Master Developer shall have pre-construction surveys conducted by the Project Biologist no earlier than 7 days prior to ground-disturbing activities involving mass grading and the installation of backbone infrastructure, including clearing, grading, or grubbing, that occur during the nesting/breeding season of special-status bird species potentially nesting on the site. The Project Biologist will be qualified to conduct all avian surveys. For nesting riparian birds, the Project Biologist will be qualified and permitted to conduct surveys for willow flycatcher and least Bell’s vireo. The pre-construction surveys shall be conducted between March and September or as determined by the Project Biologist, depending on the location of the ground-disturbing activities. The purpose of the surveys will be to determine if active nests of special-status birds are present in the disturbance zone or within 500 feet of the disturbance zone boundary. If active nests are found, ground-disturbing activities within 300 feet of the nest (or 500 feet for most raptors and tricolored blackbird colonies) shall be postponed or halted, at the discretion of the Project Biologist, until the nest is vacated and juveniles have fledged, as determined by the Project Biologist. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas per the requirements stated in Mitigation Measure 4.4-8. The Project Biologist shall serve as a construction monitor during those periods when construction activities are to occur near active nest areas to avoid inadvertent impacts to these nests. The Project Biologist may adjust the 300-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected on a rocky outcrop or buffered by dense vegetation).

**Page 4.4-130 to 4.4-131**

**Mitigation Measure 4.4-25:** Impacts to American badger individuals and wintering and natal dens shall be avoided and minimized during construction activities through the following measures:

a. During the winter (between November 1 and March 31, when daily temperatures do not exceed 45°F), when American badgers may use winter dens to enter torpor, pre-construction surveys shall be conducted no earlier than 14 days prior
to ground-breaking construction by the Project Biologist to determine if American badger winter dens are present within the limits of disturbance or within 100 feet of the disturbance zone boundary.

b. If an American badger winter den is occupied within a construction area for construction activities involving mass grading and the installation of backbone infrastructure, then the den location shall be clearly marked with fencing or flagging to avoid inadvertent impacts on the den, and one of the following shall occur:

i. Construction activities will be postponed or halted until it is determined by the Project Biologist that badgers are not using the den, if practicable.

ii. If it is not practicable to avoid the wintering den during construction activities, an attempt will be made to trap or flush the individual and relocate it to designated open space. After a trapping or flushing effort is completed, construction may proceed and disturb the occupied winter den even if it remains. If trapping is required, trapping will be limited to November 16 through last day of February in accordance with Section 461, Title 14 of the CCR.

iii. During the spring and summer, when American badgers may use dens for birthing young (generally April through August), pre-construction surveys shall be conducted by the Project Biologist no earlier than 14 days prior to construction activities involving mass grading and the installation of backbone infrastructure, to determine if American badger natal dens are present within the construction area or within 100 feet of the construction area. If American badger dens are occupied during the breeding season within these areas, construction activities shall be postponed or halted in these areas until it is determined by the Project Biologist that the young are no longer dependent on the natal den. If an active natal den is identified within 100 feet of these areas, to avoid inadvertent impacts during construction, the den location shall be clearly marked with fencing or flagging in a manner that will not inhibit normal behavioral activities (e.g., foraging) by the mother.

Page 4.4-135

Mitigation Measure 4.4-38: Within occupied or suitable habitat for Tehachapi slender salamander, culverts shall be placed under road connections and the roads shall be designed, in coordination with the Project Biologist and in consultation with CDFG, to prevent this species from entering the onsite roads from areas where this species occurs on Tejon Mountain Village.

Page 4.4-138

Mitigation Measure 4.4-43: At the discretion of the Project Biologist, pre-construction surveys shall be conducted for ringtail individuals in suitable habitat areas where mass grading or the installation of backbone infrastructure would occur and within 300 feet of this disturbance area. If the ringtail is detected in these areas during the breeding/rearing period (February 1 through August 31), construction activities will be avoided during the breeding/rearing period or until the
Project Biologist has determined that 1) the ringtail no longer occupy the project disturbance zone (i.e., area of mass grading/installation of backbone infrastructure) or areas within 300 feet of the project disturbance zone, and/or 2) construction activities would not adversely affect the successful rearing of young. The Project Biologist may reduce the 300-foot setback at his or her discretion depending on the site conditions.

If the ringtail is detected in the project disturbance zone (i.e., mass grading/installation of backbone infrastructure) or areas within 300 feet of the project disturbance zone during the non-breeding/rearing period (September 1 through January 31), the Project Biologist (in consultation/coordination with California Department of Fish and Game) shall trap or flush or exclude the ringtail located within the project disturbance zone and/or within 300 feet of the disturbance zone. Trapped ringtails will be relocated to nearby undisturbed areas with suitable habitat (riparian woodland and/or forest).

**Page 4.4-142 to 4.4-143**

Table 4.4-23. Short-Term Impacts to Striped Adobe-Lily

<table>
<thead>
<tr>
<th>Striped adobe-lily</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Fritillaria striata</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>California Native Plant Society List 1B.1</td>
</tr>
<tr>
<td></td>
<td>State: Threatened (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences at Tejon Mountain Village**

Not observed on site or in the offsite infrastructure areas.

**General Habitat Types**

Generally found in open sites on clay soils in open oak woodlands and valley and foothill grassland below 4,800 feet in elevation (CNPS 2008). Therefore, on the project site this species may occur within the following suitable habitat: oak woodlands and forests with less than 40% cover, and native and non-native grassland communities on clay soils at elevations up to 4,800 feet.

**Short-Term Impacts**

There are no occurrences of this species on site or within the offsite infrastructure improvement areas. No short-term direct impacts would occur. This species may occur within suitable habitat in the future. Approximately 5,542 acres, or 56%, of this habitat would be avoided and preserved as open space pursuant to the Tejon Mountain Village Specific Plan. There were no known occurrences in these locations during the base survey year, and short-term direct impacts to potential future occurrences of this species would be **less than significant**.

Construction activities near potential future locations of this species could occur, resulting in short-term indirect impacts to this species. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially **significant** indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, and 4.4-15 would reduce potential impacts to **less than significant**.

**Page 4.4-149**

Table 4.4-32. Short-Term Impacts to Hoover’s Eriastrum
Hoover’s eriastrum  
Eriastrum hooveri  

**Status:**  
Federal: Delisted as endangered and threatened species (USFWS 2003)  
State: Not threatened or endangered under FESA or CESA  
California Native Plant Society List 4.2

### Occurrences at Tejon Mountain Village

This species has been observed in 17 distinct locations representing approximately 700 to 1,200 individuals. The majority can be found between 3,600 and 4,400 feet, with additional occurrences between 4,600 and 4,800 feet. Occurrences were located within blue oak woodland, developed/disturbed areas, interior live oak–scrub oak chaparral, wedgeleaf ceanothus chaparral, valley oak forests and woodlands, and scrub oak–chamise chaparral, with the majority of individuals occurring in blue oak woodland.

### General Habitat Types

This species occurs in chenopod scrub (valley saltbush scrub and valley sink scrub (55 FR 29361–29370), pinyon and juniper woodland, valley and foothill grassland habitats (CNPS 2008), and alkaline alluvial fans (Jepson Flora Project 2008). Therefore, on the project site this species may occur within the following general habitat types: oak woodlands and forests, juniper woodlands, pine forests and woodlands, native and non-native grasslands, urban/developed, and the five chaparral general habitats found on the project site.

### Short-Term Impacts

Approximately 260 known individuals of this species are located within the development envelope and would be impacted by the project; another three plants are located within the secondary impact area (fuel modification zone) and would not be directly impacted by the project. A total of 570 known locations would be preserved in Special Management Area 3 (a 0.4-acre avoidance area including a 50-foot buffer), Special Management Area 4 (a 0.8-acre avoidance area including a 50-foot buffer), and Special Management Area 5 (a 0.4-acre avoidance area including a 100-foot buffer). All remaining occurrences would be in preserved open space areas. The species is a CNPS List 4 species (plant of limited distribution, but not rare), with a limited occurrence on the project site. Preservation of known populations in Special Management Areas 3–5 pursuant to Mitigation Measure 4.4-23 would mitigate potential short-term direct impacts to a less-than-significant level.

This species may occur in suitable habitat within the site in the future. Approximately 14,645 acres, or 61%, of this habitat would be avoided and preserved as open space and in Special Management Areas 3–5. Preservation of known populations in Special Management Areas 3–5 pursuant to Mitigation Measure 4.4-23 would mitigate potential short-term direct impacts to future occurrences of this CNPS 4 species to a less-than-significant level.

Construction activities near known or potential future locations of this species could occur. There is one location in the secondary impact area (fuel modification zone) and two locations within Special Management Areas. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially significant indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, and 4.4-23 would reduce potential impacts to less than significant.
American peregrine falcon
*Falco peregrinus anatum*

Status:
- Not threatened or endangered under FESA
- Endangered under CESA
- Other Federal: USFS sensitive; USFWS Birds of Conservation Concern (DFG 2008b)
- State: Endangered (DFG 2008b)
- Other: DFG protected and fully protected species and DFG sensitive (DFG 2008b)

Occurrences and Suitable Habitat at Tejon Mountain Village
This species was not observed nesting on site. Suitable nesting habitat is present; therefore, impacts to both nesting and foraging habitat are analyzed. American peregrine falcons do not appear to be wintering on site. The suitable habitat is separated into habitat that is suitable for breeding and habitat that is suitable for foraging; suitable breeding habitat includes cliffs and bluffs. Potentially suitable foraging habitat includes riparian forest and woodlands, native and non-native grassland, bog and marsh communities, meadows and seeps, and agricultural areas. Approximately 6,100 acres of suitable habitat are used for foraging, breeding, and migration movement.

Short-Term Impacts
This species does not use the site for breeding or wintering on a regular basis and during migration, onsite occurrences are transient and irregular. Therefore, no significant short-term construction impacts would occur. Approximately 71% (5 acres) of suitable breeding habitat would be avoided in project open space and in riparian Special Management Area (11 through 121). Approximately 1 acre, or 21%, of suitable breeding habitat would be impacted within the development envelope (less than 1 acre) and secondary impact area (fuel modification zone) (less than 1 acre). Approximately 55% (3,332 acres) of suitable foraging habitat would be avoided in project open space and in riparian Special Management Areas (11 through 121). Approximately 2,753 acres, or 45%, of suitable foraging habitat would be impacted within the development envelope (2,417 acres), offsite infrastructure areas (18 acres), and secondary impact area (fuel modification zone) (328 acres), and construction activities could result in significant short-term direct impacts in these areas.

Construction activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian special management areas (11 through 121). Therefore, if this species did breed on the project site in the future, construction activities could impact this species. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially significant indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-22, 4.4-23, 4.4-27, 4.4-32, 4.4-39, and 4.4-45 (which requires focused surveys for nesting American peregrine falcons and protection of active nests through buffers) would reduce potential impacts to less than significant.

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Table 4.4-66. Short-Term Impacts to Swainson’s Hawk

<table>
<thead>
<tr>
<th>Swainson’s hawk</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Buteo swainsoni</em></td>
<td>- Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>- Other Federal: USFS sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>- State: Threatened (DFG 2008b)</td>
</tr>
</tbody>
</table>

Occurrences and Suitable Habitat at Tejon Mountain Village
This species was not observed nesting on site and does not appear to be wintering on site. It is a migrant passing through that may forage on site for a brief time.
Approximately 6,700 acres of suitable habitat are used for foraging and migration movement. Potentially suitable foraging habitat includes grassland, scrublands, and agricultural areas.

**Short-Term Impacts**

Impacts due to construction activities would be **less than significant** because species use of the project site during migration is transient and irregular. The species does not use the site for breeding or wintering on a regular basis.

Construction activities would result in **less-than-significant** impacts because this species is a migrant opportunistically foraging on the project site instead of wintering, and occurs irregularly and in low numbers. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-22, 4.4-23, 4.4-27, and 4.4-39 would further reduce potential short-term impacts and benefit this species.

### Table 4.4-90. Long-Term Impacts to Striped Adobe-Lily

<table>
<thead>
<tr>
<th>Striped adobe-lily</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Fritillaria striata</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>California Native Plant Society List 1B.1</td>
</tr>
<tr>
<td></td>
<td>State: Threatened (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences at Tejon Mountain Village**

Not observed on site or in the offsite infrastructure areas.

**General Habitat Types**

Generally found in open sites on clay soils in open oak woodlands and valley and foothill grassland below 4,800 feet in elevation (CNPS 2008). Therefore, on the project site this species may occur within the following suitable habitat: oak woodlands and forests with less than 40% cover, and native and non-native grassland communities on clay soils at elevations up to 4,800 feet.

**Long-Term Impacts**

There are no occurrences of this species on site or within the offsite infrastructure improvement areas. No long-term direct impacts would occur.

This species may occur within suitable habitat in the future. Approximately 5,542 acres, or 56%, of this habitat would be avoided and preserved as open space pursuant to the Tejon Mountain Village Specific Plan. There were no known occurrences in these potential future locations during the base survey year. Long-term direct impacts to potential future occurrences of this species would be **less than significant**.

Long-term activities near potential future locations of this species could occur. Potentially **significant** long-term indirect impacts could include potential chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-26, 4.4-29, 4.4-37, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to **less than significant**.
**Table 4.4-99. Long-Term Impacts to Hoover’s Eriastrum**

<table>
<thead>
<tr>
<th>Hoover’s eriastrum</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Eriastrum hooveri</em></td>
<td>Federal: Delisted as endangered and threatened species (USFWS 2003)</td>
</tr>
<tr>
<td></td>
<td>State: Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>California Native Plant Society List 4.2</td>
</tr>
</tbody>
</table>

**Occurrences at Tejon Mountain Village**

This species has been observed in 17 distinct locations representing approximately 700 to 1,200 individuals. The majority were between 3,600 and 4,400 feet, with additional occurrences between 4,600 and 4,800 feet.

Occurrences were located within blue oak woodland, developed/disturbed areas, interior live oak–scrub oak chaparral, wedgeleaf ceanothus chaparral, valley oak forests and woodlands, and scrub oak–chamise chaparral, with the majority of individuals occurring in blue oak woodland.

**General Habitat Types**

This species occurs in chenopod scrub (valley saltbush scrub and valley sink scrub (55 FR 29361–29370)), pinyon and juniper woodland, valley and foothill grassland habitats (CNPS 2008), and alkaline alluvial fans (Jepson Flora Project 2008). Therefore, on the project site this species may occur within the following general habitat types: oak woodlands and forests, juniper woodlands, pine forests and woodlands, native and non-native grasslands, urban/developed, and the five chaparral general habitats found on the project site.

**Long-Term Impacts**

Approximately 260 known individuals of this species are located within the development envelope and three plants are located within the secondary impact area (fuel modification zone). A total of 570 known individuals would be preserved in Special Management Area 3 (a 0.4-acre avoidance area including a 50-foot buffer), Special Management Area 4 (a 0.8-acre avoidance area including a 50-foot buffer), and Special Management Area 5 (a 0.4-acre avoidance area including a 100-foot buffer). All remaining occurrences would be in open space areas under the Tejon Mountain Village Specific Plan. The species is a CNPS List 4 species (a plant of limited distribution, but not rare), with a limited occurrence on the project site. Preservation of known populations in Special Management Areas 3–5 pursuant to Mitigation Measure 4.4-23 would mitigate long-term direct impacts to a **less-than-significant level**.

This species may occur in suitable habitat within the site in the future. Approximately 14,645 acres, or 61%, of this habitat would be avoided and preserved as open space pursuant to the Tejon Mountain Village Specific Plan and in Special Management Areas 3–5. The species is a CNPS List 4 species (a plant of limited distribution, but not rare), with a limited occurrence on the project site. Preservation of known populations in Special Management Areas 3–5 under Mitigation Measure 4.4-23 and other onsite avoidance would mitigate potential long-term direct impacts to future populations to a **less-than-significant level**.

Long-term activities near known or potential future locations of this species could occur. There is one known location in the secondary impact area (fuel modification zone) and three locations are within Special Management Areas. Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-37, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to **less than significant**.
Table 4.4-131. Long-Term Impacts to American Peregrine Falcon

<table>
<thead>
<tr>
<th>American peregrine falcon</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Falco peregrinus anatum</em></td>
<td>Not threatened or endangered under FESA</td>
</tr>
<tr>
<td></td>
<td>Endangered under CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive; USFWS Birds of Conservation Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>State: Endangered (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other: DFG protected and fully protected species and DFG sensitive (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not observed nesting on site. Suitable nesting habitat is present on site. American peregrine falcons do not appear to be wintering on site.

The suitable habitat includes habitat that is suitable for breeding and habitat that is suitable for foraging. Suitable breeding habitat includes cliffs and bluffs. Potentially suitable foraging habitat includes riparian forest and woodlands, native and non-native grassland, bog and marsh communities, meadows and seeps, and agricultural areas. Approximately 6,100 acres of suitable habitat are within the site.

**Long-Term Impacts**

This species does not use the site for breeding or wintering on a regular basis and during migration, onsite occurrences are transient and irregular. No significant direct long-term impacts to existing species populations would occur.

Approximately 71% (5 acres) of suitable breeding habitat is avoided in project open space and in riparian Special Management Areas (11 through 121). Approximately 1 acre, or 21%, of suitable breeding habitat is within the development envelope (1 acre) and secondary impact area (fuel modification zone) (less than 1 acre).

Approximately 55% (3,332 acres) of suitable foraging habitat is avoided in project open space and in riparian Special Management Areas (11 through 121). Approximately 2,753 acres, or 45%, of suitable foraging habitat would be affected within the development envelope (2,417 acres), offsite infrastructure areas (18 acres), and secondary impact area (fuel modification zone) (328 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to less than significant.
Swainson’s hawk  
*Buteo swainsoni*  

**Status:**  
Not threatened or endangered under FESA or CESA  
Other Federal: USFS sensitive (DFG 2008b)  
State: Threatened (DFG 2008b)

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not observed nesting on site and does not appear to be wintering on site. The species appears to be a migrant that may stay on site for a brief time and may forage during that time. Approximately 6,700 acres of suitable foraging habitat are within the site. Potentially suitable foraging habitat includes grassland, scrublands, and agricultural areas.

**Long-Term Impacts**

Long-term impacts to this species would be less than significant because species use of the project site during migration is transient and irregular. The species does not use project site for breeding or wintering on a regular basis.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would further reduce potential impacts and would benefit this species.

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**Page 4.4-387**

The following text, Tables and Figure are inserted:

This section describes the biological resources and impacts associated with the 4.4-acre DWR Swap Site, which is an extension of the impacts analyzed in Section 4.4, BIOLOGICAL RESOURCES, of the Draft Environmental Impact Report (EIR) for the Tejon Mountain Village Project. Figure 4.4-4b shows the location of the DWR Swap Site, which includes three areas totaling 4.4 acres. These three areas, referred to herein collectively as the DWR Swap Site, are located between 3,109 feet and 3,284 feet above mean sea level (AMSL).

**Impacts**

The biological resources and impacts associated with the DWR Swap Site are described below. For purposes of this analysis, the entire footprint of the DWR Swap Site is considered impacted. Figure 1 shows the biological resources on or adjacent to the DWR Swap Site. In addition, there are no Special Management Areas, identified in Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR for the Tejon Mountain Village Project, on DWR Swap Site.

**Vegetation Communities/Oak Resources**

Table 4.4-155b summarizes the vegetation communities that are within the 4.4-acre DWR Swap Site that would be impacted.
Table 4.4-155a. Summary of Sensitive Vegetation Community Acreage within Potential Impact Areas on the DWR-Owned Property (Separately Identified and Disaggregated from Other Off-site Impacts)

<table>
<thead>
<tr>
<th>General Habitat</th>
<th>Alliance</th>
<th>Vegetation Community</th>
<th>Short-Term (Direct) Impacts (acres)</th>
<th>Long-Term (Direct) Impacts (acres)</th>
<th>Total Impacts (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GRASS- AND HERB-DOMINATED COMMUNITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadows and Seeps</td>
<td>Rush Riparian Grassland</td>
<td>Rush Riparian Grassland</td>
<td>0.3</td>
<td></td>
<td>0.3</td>
</tr>
<tr>
<td>Not Dominated by Grases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MARSH COMMUNITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td>Cattail Wetland</td>
<td>Broad-leaved Cattail</td>
<td>1.4</td>
<td></td>
<td>1.4</td>
</tr>
<tr>
<td><strong>RIPARIAN AND BOTTOMLAND HABITAT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riparian Forest and Woodland</td>
<td>Mixed Willow Riparian Forests and Woodlands</td>
<td>Mixed Willow Riparian Forests and Woodlands</td>
<td>0.1</td>
<td></td>
<td>0.1</td>
</tr>
<tr>
<td>Central California Sycamore Alluvial Woodland</td>
<td>Central California Sycamore Alluvial Woodland</td>
<td>Central California Sycamore Alluvial Woodland</td>
<td></td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td><strong>BROAD-LEAFED UPLAND TREE-DOMINATED COMMUNITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak Woodlands and Forests</td>
<td>Black Oak Forests and Woodland</td>
<td>Black Oak–Valley Oak</td>
<td>0.1</td>
<td></td>
<td>0.1</td>
</tr>
<tr>
<td>Valley Oak Forests and Woodlands</td>
<td>Valley Oak/Grass</td>
<td></td>
<td>0.3</td>
<td>0.3</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>2.6</strong></td>
</tr>
</tbody>
</table>
Table 4.4-155b.  DWR Swap Site Vegetation Communities/Direct Impacts

<table>
<thead>
<tr>
<th>General Habitat</th>
<th>Alliance</th>
<th>Vegetation Community</th>
<th>Direct Impacts (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban/Developed</td>
<td>Developed/Disturbed Habitat</td>
<td>Developed/Disturbed Habitat</td>
<td>0.2</td>
</tr>
<tr>
<td><strong>Non-Native Vegetation, Developed Areas, or Unvegetated Habitat Total</strong></td>
<td></td>
<td></td>
<td><strong>0.2</strong></td>
</tr>
<tr>
<td>Chaparral with Oak as Principal Indicator</td>
<td>Interior Live Oak Chaparral</td>
<td>Interior Live Oak Chaparral</td>
<td>0.5</td>
</tr>
<tr>
<td><strong>Scrub and Chaparral Communities Total</strong></td>
<td></td>
<td></td>
<td><strong>0.5</strong></td>
</tr>
<tr>
<td>Non-Native Grassland</td>
<td>Not Applicable</td>
<td>Non-Native Grassland</td>
<td>0.1</td>
</tr>
<tr>
<td><strong>Grass and Herb-Dominated Communities Total</strong></td>
<td></td>
<td></td>
<td><strong>0.1</strong></td>
</tr>
<tr>
<td>Oak Woodlands and Forests</td>
<td>Black Oak Forests and Woodland</td>
<td>Black Oak–Valley Oak</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>Blue Oak Woodland</td>
<td>Blue Oak Grass</td>
<td>2.4</td>
</tr>
<tr>
<td></td>
<td>Valley Oak Forests and Woodlands</td>
<td>Blue Oak–Valley Oak/Oak/Grass</td>
<td>0.9</td>
</tr>
<tr>
<td><strong>Broad-Leaved Upland Tree-Dominated Communities Total</strong></td>
<td></td>
<td></td>
<td><strong>3.6</strong></td>
</tr>
<tr>
<td><strong>Total of All Communities</strong></td>
<td></td>
<td></td>
<td><strong>4.4</strong></td>
</tr>
</tbody>
</table>

A total of 3.6 acres of oak woodlands occur within the DWR Swap Site. The Kern County General Plan identifies specific policies and implementation measures that apply to the management of oak trees. Two of the oak woodland vegetation communities are considered sensitive by CDFG (2003; updated 2007): Black Oak–Valley Oak and Blue Oak–Valley Oak/Grass. Impacts to oak trees would be a significant impact.

**Jurisdictional Wetlands/Waters**

No jurisdictional waters of the U.S. or riparian/stream habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, or California Department of Fish and Game occur in, or would be impacted by, the DWR Swap Site. Therefore, no significant impacts would occur to jurisdictional wetlands/waters.

**Special-Status Species**

**Special-Status Plants**

No special-status plant species locations occur in, or would be directly impacted by, the DWR Swap Site. The Draft EIR addresses impacts to 19 special-status plants, 16 of which occur within the elevational range and vegetation communities at the DWR Swap Site (see Table 4.4-155c). Table 4.4-155c below identifies the 19 special-status plant species analyzed, the status of the species, the species habitat and presence on site, and the potential for the species to be impacted.
**Short-term direct impacts** to potential future occurrences of these 16 special-status plant species (see Table 4.4-155c) within the development envelope would be *less than significant*. Short-term construction activities near potential future locations of these 16 special-status plant species could occur. Short-term indirect impacts identified in the Draft EIR include: construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting. **Short-term indirect impacts** could result in potentially *significant* indirect impacts.

**Long-term direct impacts** to potential future occurrences of these 16 special-status plant species (see Table 4.4-155c) within the DWR Swap Site would be *less than significant*. Long-term activities near potential future locations of these 16 special-status plant species could occur. Long-term indirect impacts identified in the Draft EIR include: include potential chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the Project’s underground utility systems. **Long-term indirect impacts** could result in potentially *significant* indirect impacts.

**Special-Status Wildlife**

No special-status wildlife species locations occur in, or would be directly impacted by, the DWR Swap Site. The Draft EIR addresses impacts to 47 special-status wildlife, 31 of which occur within the elevational range and vegetation communities at the DWR Swap Site (see Table 4.4-155d). Table 3 below identifies the 47 special-status species analyzed, the status of the species, the species habitat and presence on site, and the potential for the species to be impacted.

**Short-term direct impacts** to potential future occurrences of these 31 special-status wildlife species (see Table 4.4-155d) within the development envelope would be *less than significant*. Short-term construction activities near potential future locations of these 31 special-status wildlife species could occur. Short-term indirect impacts identified in the Draft EIR include: construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting. **Short-term indirect impacts** could result in potentially *significant* indirect impacts.

**Long-term direct** impacts to potential future occurrences of these 31 special-status species (see Table 4.4-155c) within the DWR Swap Site would be *less than significant*. Long-term activities near potential future locations of these 31 special-status wildlife species could occur. Long-term indirect impacts identified in the Draft EIR include: potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status species; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other
aboveground utilities to connect to the Project’s underground utility systems. **Long-term indirect** impacts could result in potentially **significant** indirect impacts.

**Mitigation**

**Vegetation Communities/Oak Resources**

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-31, 4.4-32, 4.4-37, 4.4-39, 4.4-48 through 4.4-56, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential direct and indirect impacts to less-than-significant levels.

**Jurisdictional Wetlands/Waters**

No impacts would occur to jurisdictional waters of the U.S. or riparian/stream habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, or California Department of Fish and Game in the DWR Swap Site.

No mitigation is required.

**Special-Status Species**

**Special-Status Plants**

Implementation of Mitigation Measures 4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-37, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status plants to less than significant.

**Special-Status Wildlife**

**Amphibians**: Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-32, 4.4-33, 4.4-34, 4.4-36, 4.4-37, 4.4-38, 4.4-39, 4.4-44 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status amphibians to less than significant.

**Reptiles**: Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-28, 4.4-29, 4.4-32, 4.4-34, 4.4-36, 4.4-37, 4.4-39, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status amphibians to less than significant.

**Birds**: Implementation of Mitigation Measures 4.4-1, 4.4-2, 4.4-3, 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-35, 4.4-36, 4.4-37, 4.4-39, 4.4-40, 4.4-41, 4.4-42, 4.4-45, 4.4-46 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status birds to less than significant.
**Mammals:** Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-25, 4.4-26, 4.4-29, 4.4-30, 4.4-32, 4.4-36, 4.4-37, and 4.4-39, 4.4-43, would reduce potential impacts to special-status mammals to **less than significant.**
### Table 4.4-155c. Special-Status Plants Species Considered in the Impact Analysis

<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Status</th>
<th>Description</th>
<th>Potential Impacts in the DWR Swap Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Tejon woolly sunflower (<em>Eriophyllum lanatum var. hallii</em>)</td>
<td>CNPS List 1B</td>
<td>Chaparral, cismontane woodland; 3,940–4,910 feet in elevation; blooms May–June; 36 occurrences with 3,000–8,500 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Kusche’s sandwort (<em>Eremogone macradenia var. arcuifolia</em> [=<em>Arenaria macradenia var. kuschei]</em>)</td>
<td>CNPS List 1B</td>
<td>Chaparral, openings; 4,000–5,600 feet in elevation; blooms June–July; 7 occurrences with 24 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Piute Mountains navaretia (<em>Navarretia setiloba</em>)</td>
<td>CNPS List 1B</td>
<td>Cismontane woodland, pinyon and juniper woodland and valley and foothill grassland; rare endemic of heavy soils; 1,000–6,890 feet in elevation; blooms April–June; 220 occurrences with 35,300–93,300 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Round-leaved filaree (<em>California macrophylla</em> [=<em>Erodium macrophyllum]</em>)</td>
<td>CNPS List 1B</td>
<td>Cismontane woodland and valley and foothill grassland; generally found in open sites on clay soils; 0–4,000 feet in elevation; blooms March–May; does not occur on site, but observed south and southeast of the site; moderate potential to occur on site.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Striped adobe-lily (<em>Fritillaria striata</em>)</td>
<td>State: threatened; CNPS List 1B</td>
<td>Oak woodlands and valley and foothill grassland; generally found in open sites on clay soils; 0–4,800 feet in elevation; blooms February–May; does not occur on site and is typically found at lower elevations in the Central Valley; moderate potential to occur on site.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Tejon poppy (<em>Eschscholzia lemmontii ssp. kernensis</em>)</td>
<td>CNPS List 1B</td>
<td>Scrub communities and valley and foothill grassland; 0–3,300 feet in elevation; blooms March–May; does not occur on site; moderate potential to occur on site.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Aromatic canyon gooseberry (<em>Ribes menziesii var. ixoderme</em>)</td>
<td>CNPS List 1B</td>
<td>Chaparral, cismontane woodland; rare in the blue (Douglas) oak woodland; 2,000–3,810 feet in elevation; blooms April; 79 occurrences with 700 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Calico monkeyflower (<em>Mimulus pictus</em>)</td>
<td>CNPS List 1B</td>
<td>Broad-leaved upland forest, cismontane woodland, disturbed areas; occasional in blue (Douglas) oak woodland; 330–4,270 feet in elevation; blooms March–May; 9 occurrences with 700–1,300 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Description</td>
<td>Potential Impacts in the DWR Swap Site</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------</td>
<td>-------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Palmer’s mariposa lily (Calochortus palmeri var. palmeri)</td>
<td>CNPS List 1B</td>
<td>Chaparral, lower montane coniferous forest, meadows and seeps; 3,280–7,840 feet in elevation; blooms May–July; 3 occurrences with 11 individuals observed.</td>
<td>Potential impacts to species could occur.</td>
</tr>
<tr>
<td>San Bernardino aster (Symphyotrichum defoliatum [=Aster bernardinus])</td>
<td>CNPS List 1B</td>
<td>Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland near ditches, springs and streams; freshwater wetlands, coastal sage scrub, southern oak woodland, freshwater marsh; &lt;6,690 feet in elevation; blooms July–November; 16 occurrences with 6,300–12,800 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Flax-like monardella (Monardella linoides ssp. oblonga)</td>
<td>CNPS List 1B</td>
<td>Lower montane coniferous forest, pinyon and juniper woodland, upper montane coniferous forest, desert scrub, pinyon and juniper woodland, open conifer forest, subalpine; 2,950–8,100 feet in elevation; blooms June–August; 4 occurrences with 300–600 individual observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Golden violet (Viola aurea)</td>
<td>CNPS List 2</td>
<td>Great Basin scrub, pinyon and juniper woodland; 3,280–6,690 feet in elevation; blooms April–June; 1 occurrence with 30 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Gypsum-loving larkspur (Delphinium gypsophilum ssp. gypsophilum)</td>
<td>CNPS List 4</td>
<td>Chenopod scrub, cismontane woodland, valley and foothill grassland; 330–2,710 feet in elevation, based upon literature, but observed up to 4,600 feet in elevation on site; blooms February–May; 2 occurrences with 100–200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Hoover’s erastrum (Eriastrum hooveri)</td>
<td>CNPS List 4</td>
<td>Chenopod scrub, pinyon and juniper woodland, valley and foothill grassland; 160–3,000 feet in elevation, based upon literature, but observed up to 4,800 feet in elevation on site; blooms March–July; 17 occurrences with 700–1,200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Sylvan microseris (Microseris sylvatica)</td>
<td>CNPS List 4</td>
<td>Chaparral, cismontane woodland, great basin scrub, pinyon and juniper woodland, valley and foothill grassland; occasional in chaparral and blue (Douglas) oak woodland; 150–4,920 feet in elevation; blooms March–June; 11 occurrences with 900–1,700 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Description</td>
<td>Potential Impacts in the DWR Swap Site</td>
</tr>
<tr>
<td>------------------------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Adobe yampah (Perideridia pringlei)</td>
<td>CNPS List 4</td>
<td>Chaparral, cismontane woodland, coastal scrub, pinyon and juniper woodland; blue (Douglas) oak woodland and chaparral, rare in pinyon woodland and Jeffrey pine forest; 980–5,910 feet in elevation; blooms April–June; 293 occurrences with 11,200–21,300 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Silvery false lupine (Thermopsis macrophylla [californica] var. argenteata)</td>
<td>CNPS List 4</td>
<td>Lower montane coniferous forest, pinyon and juniper woodland; 2,950–5,230 feet in elevation; blooms April–July; 49 occurrences with 54,500–199,200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Small-flowered monkeyflower (Mimulus inconspicuous)</td>
<td>CNPS List 4</td>
<td>Chaparral, cismontane woodland, lower montane coniferous forest; 900–2,490 feet in elevation, based upon literature, but observed up to 4,400 feet in elevation on site; blooms May–June; 3 occurrences with 600–1,200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Tehachapi buckwheat (Eriogonum callistum)</td>
<td>CNPS List 1B</td>
<td>Chaparral communities; 4,590–4,920 feet in elevation; blooms May–June; 6 occurrences with 200 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
</tbody>
</table>

**Table Notes**

CNPS California Native Plant Society rankings
- List 1A: Presumed Extinct in California
- List 1B: Rare or Endangered in California and Elsewhere
- List 2: Rare or Endangered in California, More Common Elsewhere
- List 3: Need More Information
- List 4: Plants of Limited Distribution
### Table 4.4-155d. Special-Status Wildlife Species Considered in the Impact Analysis

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Status</th>
<th>Comments</th>
<th>Potential Impacts in the DWR Swap Site</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Invertebrates</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valley elderberry longhorn beetle</td>
<td><em>Desmocerus californicus dimorphus</em></td>
<td>Federal: threatened</td>
<td>Low potential to occur due to site’s location at the upper range of the documented elevation for this species. Riparian habitat and adjacent uplands. Completely dependent on host plant elderberry. Current range includes the length of the Central Valley from Redding to Bakersfield, sea level up to 3,000 feet.</td>
<td>No potential impacts. Species occurs at elevations lower than the DWR Swap Site.</td>
</tr>
<tr>
<td><strong>Amphibians</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western spadefoot</td>
<td><em>Spea [Scaphiopus hammondii]</em></td>
<td>Federal: BLM sensitive State: State Species of Special Concern</td>
<td>Low potential to occur on site at the lower elevations. 2007 focused surveys negative. Most common in grasslands, coastal sage scrub near rain pools or vernal pools; riparian habitats. Endemic to California from north end of great Central Valley, south, east of the Sierras and the deserts. From sea level to 4,471 feet.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Yellow-blotched salamander</td>
<td><em>Ensatina eschscholtzii croceater</em></td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Deciduous and evergreen forests, oak woodlands, and canyons. Endemic to California; occurs in Tehachapi Mountains, Mt. Pinos, near Fort Tejon, and near Frazier-Alamo Mountain at 1,000–11,000 feet in elevation.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
<td></td>
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<tr>
<td>-------------------------------</td>
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<td></td>
</tr>
<tr>
<td>American peregrine falcon (nesting) <em>(Falco peregrinus anatum)</em></td>
<td>Federal: USFS sensitive; USFWS Birds of Conservation Concern; FESA delisted; State: State endangered; DFG protected and fully protected species; CDF sensitive</td>
<td>Observed foraging on site during winter. Low potential to occur as a breeding bird due to nesting habitat requirements. May migrate through the region and on site. Forages in wetlands, riparian, meadows, croplands, especially where waterfowl are present. Extremely widespread, from sea level to 12,000 feet.</td>
<td>Potential indirect impacts to species could occur.</td>
<td></td>
</tr>
<tr>
<td>American white pelican (nesting colony) <em>(Pelecanus erythrorhynchos)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site during winter but did not nest on site. Low potential to nest on site. Open water. Migrant flocks pass overhead almost any month.</td>
<td>No potential impacts. Species observed in association with Castac Lake.</td>
<td></td>
</tr>
<tr>
<td>Bald eagle (nesting and wintering) <em>(Haliaeetus leucocephalus)</em></td>
<td>Federal: ESA delisted State: State endangered; DFG protected and fully protected species; CDF sensitive</td>
<td>Observed infrequently during the winter; not wintering congregation. Moderate potential to occur on site in association with Castac Lake during the winter. Low potential to occur on site as a breeding bird. Rivers, swamps, large lakes; winters at large bodies of water in lowlands and mountains. Winters throughout the state.</td>
<td>No potential impacts. Species observed in association with Castac Lake.</td>
<td></td>
</tr>
<tr>
<td>Black-chinned sparrow (nesting) <em>(Spizella atrogularis)</em></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>High potential to occur for nesting and foraging on site due to presence of suitable habitat and range documented for this region. While not detected on site, presumed present. Sloping ground in mixed chaparral, chamise-redshank chaparral, sagebrush, and other bushy habitats. Sea level to almost 8,200 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Brewer's sparrow (nesting) <em>(Spizella breweri)</em></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. Low potential to nest on site. Breeds in treeless shrub areas, especially in sagebrush habitat with moderate canopy. Occurs east of the Cascade–Sierra Nevada crest, in mountains and higher valleys of Mojave Desert, and in those bounding southern end of the San Joaquin Valley.</td>
<td>No potential impacts. No scrub will be impacted.</td>
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<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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<tr>
<td><strong>Burrowing owl</strong> (burrow sites and some wintering sites) <em>(Athene cunicularia)</em></td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed once during winter in northern (lower elevation) portion of site. Low potential to occupy burrow sites on site. Grassland, lowland scrub, agriculture, coastal dunes, and other artificial open areas. Found in lowlands of much of California, including most of central and western Kern County, and central and eastern Los Angeles County. May be some movement down slope in winter, or wandering.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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</tr>
<tr>
<td><strong>California condor</strong> <em>(Gymnogyps californianus)</em></td>
<td>Federal: Federally endangered State: State endangered; CDF sensitive; DFG protected and fully protected species</td>
<td>Observed on site. Forages over wide areas of open grassland, roosts on cliffs and in large trees and snags. Resident of the semi-arid, rugged mountain ranges surrounding the southern San Joaquin Valley, including the Coast Ranges from Santa Clara County south to Los Angeles County, the Transverse Ranges, Tehachapi Mountains, and southern Sierra Nevada. Occurs mostly between sea level and 8,100 feet.</td>
<td>Potential indirect impacts to species could occur.</td>
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</tr>
<tr>
<td><strong>California spotted owl</strong> <em>(Strix occidentalis occidentalis)</em></td>
<td>Federal: USFS sensitive; BLM sensitive; USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed on site as a single resident female. Not expected to breed on site. Steep-walled canyons that are densely wooded with mixtures of oaks and conifers and ranges into mixed coniferous forest in the southern mountains but always requires some dense stands of oaks. South through the remainder of the western Sierra Nevada and Tehachapi mountains to Lebec, Kern County.</td>
<td>No potential impacts. No conifers occur in this area.</td>
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<tr>
<td><strong>Caspian tern</strong> (nesting colony) <em>(Hydroprogne caspia)</em></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. Did not nest on site. Not expected to nest on site.</td>
<td>No potential impacts. Species observed in association with Castac Lake.</td>
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<tr>
<td><strong>Ferruginous hawk</strong> (wintering) <em>(Buteo regalis)</em></td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: Watch List</td>
<td>Observed on site as a wintering bird. Does not breed in the region. Open, dry country, grasslands, open fields, agriculture. Uncommon winter resident and migrant at lower elevations and open grasslands in the Central Valley and Coast Ranges. Fairly common winter resident of grasslands and agricultural areas in southwestern California.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Common Name</td>
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<tr>
<td>Golden eagle (nesting and wintering) (Aquila chrysaetos)</td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: DFG protected and fully protected species; Watch List; CDF sensitive</td>
<td>Observed on site for nesting, foraging, and wintering. Open country, especially hilly and mountainous regions; grassland, coastal sage scrub, chaparral, oak savannas, open coniferous forest. Range includes most of California with the exception of the Central Valley. Elevation ranges from sea level up to 11,500 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Lawrence’s goldfinch (nesting) (Carduelis lawrencei)</td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. High likelihood to nest on site. Valley foothill hardwoods and hardwood-conifer, and desert riparian, palm oasis, pinyon-juniper. Rather common along western edge of southern deserts, fairly common but erratic from year to year in Santa Clara County and uncommon in foothills surrounding Central Valley.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Lewis’s woodpecker (nesting) (Melanerpes lewis)</td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site for nesting and foraging. Open oak savannah and broken deciduous and conifer habitats. Breeds locally along eastern slopes of the Coast Ranges.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Little willow flycatcher (nesting) (Empidonax traillii brewsteri)</td>
<td>State: State endangered</td>
<td>Observation of foraging willow flycatcher species is likely little willow flycatcher due to timing of observations. No willow flycatcher was observed nesting on site nor is expected to nest on site. Most often occurs in broad, open river valleys or large mountain meadows with shrubby willows. Central California north of the Santa Inez River from sea level to 7,200 feet.</td>
<td>No potential impacts. No suitable habitat for this species in the DWR Swap Site.</td>
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<tr>
<td>Loggerhead shrike (nesting) (Lanius ludovicianus)</td>
<td>Federal: USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed on site. High potential to nest on site. Open ground including grassland, coastal sage scrub, broken chaparral, agriculture, riparian, open woodland. Common resident and winter visitor in lowlands and foothills throughout California.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Long-billed curlew (nesting) (Numenius americanus)</td>
<td>Federal: USFWS Birds of Conservation Concern; State: Watch List</td>
<td>Observed on site. Not expected to breed on site due to its range. May occur on site as a wintering bird or as a migrant. Winters in coastal estuaries, open grasslands, and croplands. Winter visitor along Central and Imperial valleys, where the largest flocks occur.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Northern goshawk (nesting) (Accipiter gentilis)</td>
<td>Federal: USFS sensitive; BLM sensitive; State: State Species of Special Concern; CDF sensitive</td>
<td>Observed on site, but nesting not confirmed. Low potential to nest on site. Prefers middle and higher elevations and mature, dense conifer forests.</td>
<td>No potential impacts. No conifers occur in this area.</td>
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<tr>
<td>Northern harrier (nesting) (Circus cyaneus)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site, but nesting not confirmed. Moderate potential to nest on site. Open wetlands (nesting), pasture, old fields, dry uplands, grasslands, rangelands, coastal sage scrub. Breeds from sea level to 5,700 in the Central Valley. Permanent resident of the northeastern plateau and coastal areas; less common resident of the Central Valley. Widespread winter resident and migrant in suitable habitat.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Olive-sided flycatcher (nesting) (Contopus cooperi)</td>
<td>Federal: USFWS Birds of Conservation Concern; State: State Species of Special Concern</td>
<td>Observed on site. High potential to nest on site. Preferred nesting in mixed conifer, montane hardwood-conifer, Douglas fir, redwood, red fir, and lodgepole pine at all elevations.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
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<tr>
<td>Prairie falcon (nesting) (Falco mexicanus)</td>
<td>Federal: USFWS Birds of Conservation Concern; State: Watch List</td>
<td>Observed on site for nesting and foraging. Grassland, savannahs, rangeland, agriculture, desert scrub, alpine meadows; nest on cliffs or bluffs. Uncommon permanent resident throughout the Central Valley and along the inner Coast Ranges.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Purple martin (nesting) (Progne subis)</td>
<td>State: State Species of Special Concern</td>
<td>Nests in tall sycamores, pines, oak woodlands, coniferous forest; forages over riparian, forest, and woodland. Only a rare and local breeder on the coast and in interior mountain ranges, with few breeding localities.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Short-eared owl (nesting) ( (Asio flammeus) )</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site with young. Grassland, prairies, dunes, meadows, irrigated lands, saline and freshwater emergent wetlands. May winter at all elevations.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Southwestern willow flycatcher (nesting) ( (Empidonax traillii extimus) )</td>
<td>Federal: endangered; State: endangered, Watch List</td>
<td>Low potential to occur on site. Riparian woodlands along streams and rivers with mature, dense stands of willows or alders; may nest in thickets dominated by tamarisk. Southern California from the Santa Inez River south. Elevations range from sea level to 8,000 feet.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
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<tr>
<td>Swainson’s hawk (nesting) ( (Buteo swainsoni) )</td>
<td>Federal: USFS sensitive; USFWS Birds of Conservation Concern State: State threatened</td>
<td>Observed on site as a migrant through the area. Not expected to breed in the region. Open grassland, shrublands, and croplands. Current distribution includes Central Valley.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Tricolored blackbird (nesting colony) ( (Agelaius tricolor) )</td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed on site, nesting confirmed on site. Nests near fresh water, emergent wetland with cattails or tules; forages in grasslands, woodland, agriculture. Common locally throughout Central Valley found regularly in Los Angeles County.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Vermilion flycatcher (nesting) ( (Pyrocephalus rubinus) )</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. Not expected to breed in this region. Breeds near water in both riparian groves and mesquite that have bordering fields, especially irrigated fields.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
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<tr>
<td>Western yellow-billed cuckoo ( (Coccyzus americanus occidentalis) )</td>
<td>Federal: candidate; USFS sensitive; USFWS Birds of Conservation Concern State: endangered</td>
<td>Low potential to occur due to overall rarity and small amount of suitable habitat. Dense, wide riparian woodlands and forest with well-developed understories. Current distribution includes the South Fork Kern River and the upper Sacramento River.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
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<td>Common Name (Scientific Name)</td>
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<tr>
<td><strong>White-tailed kite</strong> (nesting) (<em>Elanus leucurus</em>)</td>
<td>State: DFG protected and fully protected species</td>
<td>Biologists observed species foraging on site, but confirmed species did not nest on site in 2007. Low potential to nest on site based on range and elevation of the suitable habitat. Would have been observed during surveys if nesting since nests are conspicuous and young are easily detectable due to their coloration. Open grasslands, agriculture, wetlands in proximity to water for foraging; savanna-like habitats, oak woodlands, riparian for nesting. Current distribution includes coastal and valley lowlands up to western Sierra foothills. Elevation is sea level to western Sierra foothills and CNDDB records up to 2,100 feet.</td>
<td>Potential impacts to species could occur.</td>
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<tr>
<td><strong>Yellow warbler</strong> (nesting) (<em>Dendroica petechia brewsteri</em>)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. High potential to nest on site. Observed during the breeding season. Likely nesting on site. Nests in lowland and foothill riparian woodlands dominated by cottonwoods, alders, and willows; winters in a variety of habitats.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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</tr>
<tr>
<td><strong>Yellow-breasted chat</strong> (nesting) (<em>Icteria virens</em>)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. High potential to nest on site. Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush. Found up to approximately 4,800 feet in valley foothill riparian.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
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<tr>
<td><strong>Yellow-headed blackbird</strong> (nesting) (<em>Xanthocephalus xanthocephalus</em>)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site, but nesting not confirmed. Moderate potential to breed on site. Nests in fresh emergent wetland with dense vegetation and deep water, often along lakes and ponds at all elevations.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
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<tr>
<td><strong>Mammals</strong></td>
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<tr>
<td><strong>American badger</strong> (<em>Taxidea taxus</em>)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. Dry, open treeless areas, grasslands, coastal sage scrub. Uncommon, permanent resident found throughout most of the state.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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</tr>
<tr>
<td><strong>Pallid bat</strong> (<em>Antrozous pallidus</em>)</td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Rocky outcrops, cliffs, and crevices with access to open habitats for foraging. Lowlands, however, range map shows all elevations. Throughout California except for the high Sierra Nevada from Shasta to Kern counties.</td>
<td>Potential indirect impacts to species could occur.</td>
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<td><strong>Common Name</strong>&lt;br&gt;<strong>(Scientific Name)</strong></td>
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<tr>
<td>Ringtail&lt;br&gt;<strong>(Bassariscus astutus)</strong></td>
<td>State: DFG protected and fully protected species</td>
<td>Low potential to occur on site. Mixed forests and shrublands near rocky areas or riparian habitats, usually near water. Throughout California, particularly foothill and mountainous regions, where suitable habitat occurs. Present at all elevations.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>San Diego black-tailed jackrabbit&lt;br&gt;<strong>(Lepus californicus bennettii)</strong></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site as black-tailed jackrabbit. San Diego subspecies may occur on site. Arid habitats with open ground; grasslands, coastal sage scrub, agriculture, disturbed areas, rangelands. Full species occurs throughout state. The subspecies occurring on site may be <em>L. c. bennettii</em>.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
<td></td>
</tr>
<tr>
<td>Spotted bat&lt;br&gt;<strong>(Euderma maculatum)</strong></td>
<td>Federal: BLM sensitive&lt;br&gt;State: State Species of Special Concern</td>
<td>Observed on site. Arid deserts and grasslands through mixed conifer forests; roosts in cliffs, feeds over water and along washes. Range includes foothills, mountains, and desert regions.</td>
<td>Potential indirect impacts to species could occur.</td>
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</tr>
<tr>
<td>Townsend’s big-eared bat&lt;br&gt;<strong>(Corynorhinus [Plecotus] townsendii)</strong></td>
<td>Federal: USFS sensitive; BLM sensitive&lt;br&gt;State: State Species of Special Concern</td>
<td>Observed on site. Mesic habitats, gleans from brush or trees or feeds along habitat edges. All elevations except alpine and subalpine.</td>
<td>Potential indirect impacts to species could occur.</td>
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<tr>
<td>Western mastiff bat&lt;br&gt;<strong>(Eumops perotis californicus)</strong></td>
<td>Federal: BLM sensitive&lt;br&gt;State: State Species of Special Concern</td>
<td>Moderate potential to occur on site. Roost habitat appears limited. May forage on site. While not detected on site, presumed present. Roosts in small colonies in cracks and small holes, seeming to prefer man-made structures. Range includes San Joaquin Valley.</td>
<td>Potential indirect impacts to species could occur.</td>
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**Reptiles**
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<th>Common Name (Scientific Name)</th>
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<tbody>
<tr>
<td>Coast horned lizard (Phrynosoma coronatum)</td>
<td>Subspecies <em>frontale</em>: Federal: BLM sensitive Subspecies <em>blainvillii</em>: Federal: USFS sensitive State: State Species of Special Concern</td>
<td>Observed on site. Coastal sage scrub, annual grassland, chaparral, oak and riparian woodland, coniferous forest. Ranges throughout central California from near sea level to 8,000 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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<tr>
<td>Coast patch-nosed snake (Salvadora hexalepis virgultea)</td>
<td>State: State Species of Special Concern</td>
<td>High potential to occur on site due to suitable habitat and range. Chaparral, washes, sandy flats, rocky areas. May take refuge in bushes, rock crevices, and burrows of other animals. Sea level to 7,000 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>San Joaquin whipsnake (Masticophis flagellum ruddocki)</td>
<td>State: State Species of Special Concern</td>
<td>Observations not confirmed, but presence assumed due to presence of suitable habitat and range documented for this region. Extends from Arbuckle to the Grapevine in Kern County westward into inner South Coast Ranges at elevations below 3,000 feet. Only a small portion of the site is at or below this elevation. Open, dry vegetative associations with little or no tree cover. Occurs in valley grassland and saltbush scrub associations.</td>
<td>No potential impacts. Species occurs at elevations lower than the DWR Swap Site.</td>
</tr>
<tr>
<td>Silvery legless lizard (Anniella pulchra pulchra)</td>
<td>Federal: USFS sensitive State: State Species of Special Concern</td>
<td>Observations not confirmed, but presence assumed due to presence of suitable habitat and range documented for this region. Loose soils (sand, loam, humus) in coastal dune, coastal sage scrub, woodlands, and riparian habitats. Occurs in scattered locations in the San Joaquin Valley including the Tehachapi Mountains and the east slope of the Peninsular Ranges.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Two-striped garter snake (Thamnophis hammondii)</td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Streams, creeks, pools, streams with rocky beds, ponds, lakes, vernal pools. Usually found in the immediate vicinity of permanent or semi-permanent sources of water. South Coast and Transverse Ranges up to 8,000 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
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### Mitigation Measure 4.4-47:

A sitewide conceptual mitigation plan has been developed that identifies mitigation for impacts to unvegetated streambeds and riparian areas subject to California Department of Fish and Game jurisdiction under Section 1602 of the California Fish and Game Code and wetlands and waters under the jurisdiction of the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Final mitigation requirements for the project will be established by these agencies, and as applicable the United States Fish and Wildlife Service and Regional Water Quality Control Board. The conceptual mitigation plan is included in Appendix H of the “Tejon Mountain Village Biological Resources Technical Report” (Appendix E-1 of this Draft EIR). The project shall implement the following measures to mitigate for onsite impacts to 24.7 acres of unvegetated streambeds and riparian habitats regulated under Section 1602 of the Fish and Game Code, of which 2.9 acres are off site. Approximately 7.2 acres of the project’s onsite riparian area impacts are within the fuel modification zone and impacts shall be limited to vegetation thinning that will not result in any fill of these resources. Approximately 2.2 acres of the 2.9 acres of offsite impacts and all onsite impacts related to the installation of underground utilities will be temporary in nature and subject to restoration following infrastructure installation. Temporarily impacted infrastructure improvement areas shall be mitigated by the creation of riparian or streambed areas at a 1:1 ratio relative to impacts. Permanent impacts to resources subject to California Department of Fish and Game jurisdiction under Section 1602 of the Fish and Game Code that may occur within the development envelope (a maximum of 14.6 acres) shall be mitigated by the creation of comparable habitat at either a 1:1 or 2:1 ratio. The following measures apply to impacts to unvegetated streambeds and riparian areas subject to California Department of Fish and Game jurisdiction under Section 1602 of the California Fish and Game Code, and wetland and water resources under the jurisdiction of the United States Army Corps of Engineers pursuant to Section 404 of the Clean Water Act as described in Impact 4.4-3.

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<td>Notes:</td>
<td>Federal:</td>
<td>USFWS U.S. Fish &amp; Wildlife Service</td>
<td>BLM Bureau of Land Management</td>
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<tr>
<td>State:</td>
<td>CDF California Department of Forestry and Fire Protection</td>
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a. Creation of riparian habitat shall occur at suitable sites in or adjacent to the stream courses, in areas where there are appropriate hydrologic conditions to create self-sustaining riparian habitat, or in areas where bank stabilization would occur. All mitigation sites shall contain suitable surrounding land uses that are compatible with a self-sustaining functioning riparian vegetation community.

b. Replacement riparian habitat for impacts to United States Army Corps of Engineers and California Department of Fish and Game jurisdictional areas shall be designed to replace the functions and values of the habitat being removed. The replacement habitat will have similar dominant trees and understory shrubs.
and herbs (excluding exotic species) to those of the affected vegetation communities. In addition, the replacement habitat shall be designed to emulate the density and structure of the affected riparian habitat once the replacement habitat has met the mitigation success criteria. Average plant spacing shall be determined based on an analysis of habitat to be replaced. The Master Developer shall develop plant spacing specifications for all riparian habitat and wetlands/waters to be created, enhanced, or restored.

c. Each tree and shrub species used in restoration shall have a minimum of 80% survivorship after 3 years and 70% survivorship after 5 years. Natural recruitment of native species may be used to offset percent survivorship of planted trees and shrubs to achieve native vegetation cover standards. Performance standards for cover shall be developed by the Project Biologist, in consultation with the Department of Fish and Game Master Developer for each individual vegetation community type being created, based on the observed natural cover in common or private open space.

d. Minimum growth, survivorship, and cover performance at the mitigation sites shall be measured based on random samples taken during years 3 and 5 at each individual mitigation site, or at other sampling intervals if an agency-approved alternative methodology is used. If the minimum growth, survivorship, and/or cover are not achieved at the time of the 3- and 5-year evaluations, then the Master Developer shall be responsible for taking the appropriate corrective measures to achieve the specified growth, survivorship, and/or cover criteria. The Master Developer shall be responsible for any costs incurred during the revegetation or in subsequent corrective measures. If “acts of God” (flood, fires, or drought) occur after the habitats have met the 3-year criteria for growth, survival, and cover, the Master Developer will not be responsible for replanting damaged areas. If these events occur prior to the plants meeting the 3-year criteria, the Master Developer shall be responsible for replanting the area one time only.

e. Restoration/creation sites shall be weeded to prevent an infestation of perennial non-native invasive weeds. Weeding can be accomplished using the following methods: hand removal, use of herbicides in accordance with federal and state laws governing the use of herbicides, and/or mechanically in coordination with the Project Biologist. All perennial, non-native invasive weed species (e.g., giant reed, pampas grass, sweet fennel, perennial pepperweed, castor bean, and tamarisk) shall be controlled for a period of 5 years after the initial mitigation, or until the 5-year mitigation success criteria described in the detailed wetlands mitigation plan are met. The cover of annual, non-native plant species at the mitigation sites shall not exceed 10% at any time during the period of documenting successful restoration.

f. Temporary irrigation or irrigation via a vehicle with water capabilities will occur as necessary for plant establishment. Irrigation will continue as needed to meet the 3-year performance criteria regarding survivorship and growth. Irrigation will be terminated in the fall to provide the least stress to plants.
g. A mitigation status report shall be submitted to the United States Army Corps of Engineers and California Department of Fish and Game annually for the life of the permits or until 5 years after all mitigation has been completed. This report shall include any required plans for plant spacing, locations of candidate restoration and weed control sites, restoration methods, and restoration performance standards. For active mitigation sites, the report shall include the survival, percent cover, and height of planted species; the number by species of plants replaced; an overview of the revegetation effort and its success in meeting performance criteria; the method used to assess these parameters; and photographs.

h. Riparian habitat under the jurisdiction of the United States Army Corps of Engineers and California Department of Fish and Game temporarily impacted by the proposed project may be restored through a passive restoration approach. The Project Biologist shall evaluate the progress of any passive restoration approaches in the temporary impact areas to determine if natural recruitment has been sufficient for the site to eventually reach performance goals without active restoration. In the event that native plant recruitment is determined by the Project Biologist to be inadequate for successful habitat establishment, the Master Developer shall revegetate the temporary construction areas in accordance with the methods designed for permanent impacts discussed above (i.e., seeding, container plants, and/or a temporary irrigation system may be recommended). This will maximize the likelihood of the success of temporary mitigation areas. Riparian habitat temporarily disturbed by construction activities will also be weeded annually, as needed, for up to 5 years following construction. Weeds will be removed by hand, by an approved herbicide application, and/or by mechanical equipment. These areas will be monitored annually for 5 years after construction to document establishment of appropriate riparian habitat. If the native plant cover does not reach 50% of the pre-construction native plant cover, the Master Developer shall revegetate the temporary construction area per the program outlined above for permanent riparian habitat or wetland impacts. Annual monitoring reports on the status of the recovery of temporarily disturbed areas shall be submitted to the United States Army Corps of Engineers and California Department of Fish and Game as part of the annual mitigation status report.

Page 4.4-397

Mitigation Measure 4.4-48: The project shall avoid and preserve 13,218 acres 82% of the site's oak-dominated habitat and 87% of the oak canopy within open space and Special Management Areas which will be managed by the Project Conservation Managers in compliance with the Oak Resource Management Plan included as Appendix G of the "Tejon Mountain Village Biological Resources Technical Report" (Appendix E-1). Oak tree preservation plans shall outline impact avoidance measures, and oak tree protection, preservation, and management guidelines for retained trees. Approval and enforcement of the criteria outlined in the oak tree preservation plans for custom lots will be the responsibility of Property Owner's Association. Contractors, consultants, TMV staff, and others who will be on site for any period of time prior to or during construction will receive education from the project biologist regarding preservation of oak trees.
Page 4.5-8

Father Jose Maria Zaldivea, coming from Santa Barbara in 1806, found Castac Lake and Cañada de las Uvas (Grapevine Canyon). By 1806, two routes led from the Mojave Desert to the Coast: the Old Spanish Trail near Cajon Pass and Owens Valley Road through Tehachipi Pass. Jedediah Smith also went through the Tejon Mountain Village region during his 1827 fur-trapping expedition, as did John C. Frémont and his guides (Kit Carson and Alex Godey) in 1830 and 1844. Frémont spent the winter of 1847–1848 on Tejon Ranch, in the Tehachapi Pass area.

Page 4.5-11

Initially, the economic emphasis of the Tejon Ranch was in sheep, and at its peak, over 125,000 grazed on the ranch. Cattle were introduced in the 1880s after a number of years of drought, although Beale had recorded the Tejon brand—the crescent and the cross—in 1865. By 1891, there were about 25,000 head of cattle and 7,500 sheep grazing on the ranch. Following Beale’s death in 1893, the ranch was inherited by his son, Truxtun, who completed the transition to cattle.

Truxtun Beale sold Tejon Ranch in 1912 to a syndicate headed by Harry Chandler and Harrison Gray Otis for $3 million. This formed the nucleus of what has evolved into the modern Tejon Ranch Company. The syndicate increased the acreage of the ranch to 281,000 acres through a series of strategic purchases. Because cattle activities were not immediately profitable, sales of various rights-of-way to public utilities initially aided the company’s cash flow. More recently, Tejon Ranch has operated in part by leasing acreage to various farming, oil, and cattle interests, as well as for film production. The first commercial oil production on the ranch, on the flats of the San Joaquin Valley, far to the north of the study area, was developed in August 1937. Today large-scale farming, oil and gas production, and cattle grazing continue on the ranch. The Tejon Mountain Village’s current primary uses are cattle grazing, hunting, and filming.

Page 4.5-39

Four residences and three other post office buildings older than 45 years, with construction dates ranging from 1939 though the 1940s, are located in the area. The residential buildings are not eligible for the California Register and were not further evaluated. The three other buildings were initially believed by the EIR drafters to be post office buildings and were thought to comprise the Old Post Office and two secondary structures, built in 1939. The Draft EIR identified this Old Post Office as eligible as a local landmark and for listing in the California Register because it has a high degree of integrity and is representative of the Moderne style in federal architecture, particularly in a small community. The proposed Interstate 5/Lebec Road improvements would not directly affect this building and would not result in substantial indirect impacts to the context or integrity of the historic resource.

The Draft EIR did not evaluate these structures in detail or include a study by an architectural historian because these structures would have been avoided by the more limited set of Lebec Road interchange improvements included in the Draft EIR.

A further study of the historical status and significance of these buildings was completed to evaluate whether Lebec interchange improvements that affect these buildings could result in a
potentially significant impact to a historic resource under CEQA. The study, "Historic Resources Assessment for the Southern California Gas Company Complex, Lebec, California," was completed by qualified architectural historians at PCR Services Corporation, and is included as Appendix F-4. This Study concludes that while these structures had been briefly used as a Post Office during the 1950s (as had several other buildings on Lebec Road), in fact the buildings at issue were constructed by the Southern California Gas Company in 1941, near three other structures (the Hotel Lebec, the Floriafaunium welcome center, and a restaurant/coffee shop/service center - all of which were subsequently demolished). While confirming that the structures identified in the Draft EIR were representative of the Streamline Moderne style, the Study concludes that these structures were typical of national trends of this style, were not federal architecture or representative of federal architecture of the era, were not of historical significance, and were not eligible for listing as a federal, state or local historic structure of significance. Accordingly, there would be no adverse impacts to historic resources associated with the removal of these structures to accommodate the expanded Lebec Road interchange improvements.

Page 4.7-10

The U.S. Department of the Navy and the U.S. Marine Corps have military training routes (MTRs) that pass over the project site. The Air Force Flight Test Center at Edwards Air Force Base occasionally schedules and uses the High Altitude Supersonic Corridor which transits over the Project area. The corridor is outside the special uses airspace therefore requires coordination and approval of the FAA. The corridors' occasional use typically involves supersonic flight at altitude of 30,000' MEL.

Page 4.7-40

Mitigation Measure 4.7-3: Development located immediately adjacent to the existing easements for underground crude oil pipelines and gas pipelines at Tejon Mountain Village will require coordination between the contractors and the easement holders for crude oil and gas pipelines to address any safety issues and to monitor construction to ensure that pipelines are avoided during construction activities. If any abandoned or unrecorded wells are discovered during excavation or grading activities, the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) will be contacted immediately, and all excavation and/or grading activities will cease until such time as remedial plugging operations can be performed in accordance with DOGGR requirements.

Page 4.8-45 to 4.8-46

Mitigation Measure 4.8-31: Prior to the initiation of grading, the project shall request and receive written confirmation from the Tejon Ranch Company that swimming or other contact recreational activity shall be permanently prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the project and that are owned by the Tejon Ranch Company. Tejon Mountain Village residents and guests shall not have any access rights to engage in contact or non-contact uses on Castac Lake. The project area Geologic Hazard Abatement District (GHAD), homeowners association (HOA), or a similar entity that may be approved by the Kern County Administrative Office, in consultation with the Kern County Planning Department and Environmental Health Services Department, with water quality facility management and compliance responsibilities shall post signs and provide educational materials to
project residents and guests prohibiting contact with flowing waters in on-site drainages during and following storm events to prevent potential pathogen exposure.

**Page 4.8-52 to 4.8-53**

Mitigation Measure 4.8-39: In conjunction with the submittal of any proposed tentative tract map, parcel map or commercial site development plan, the project proponent shall submit a flood hazard study/drainage plan as required by Section 18.15.030 (J) (2) of the Kern County Land division Ordinance. This flood hazard study/drainage plan shall be reviewed and approved by the Kern County Engineering and Survey Services Department prior to final approval of any subdivision map or approval of any commercial site development plan. In general, subject to final approval by the County, the Project shall implement Section 3.4.3 of the Tejon Mountain Village Specific Plan, including the following provisions: a) size road crossings of drainage ways, including culverts, boxes, arched culverts or bridges, to adequately pass flows while protecting the roadway, adjacent properties, and the hydrologic regime of the drainage course; b) design drainage crossings in accordance with the Kern County Drainage Development Standards and the Kern County Stormwater Ordinance (Chapter 14.26 of the Ordinance Code of Kern County) except as may be specifically modified in the Tejon Mountain Village Specific Plan subject to County approval or by the terms of any required regulatory permits for the project; c) culvert designs shall include inlet protection to protect the roadway embankment from erosion and outlets shall be provided with energy dissipation devices to reduce outlet flow velocities; d) culverts shall be sized to pass bulked flows, and impoundments of stormwater that would act to settle out the bedload of streams shall be avoided to the extent feasible or as may be required to maintain water quality conditions in certain receiving waters, such as Castac Lake; e) arch culverts shall be designed to span the natural stream and support earthen embankments for roadway crossings and shall incorporate energy dissipation techniques to reduce the potential for streambed erosion; f) bridge crossings shall incorporate energy dissipation techniques to reduce the potential for streambed erosion; g) road alignments shall be designed to cross drainages in as close to a perpendicular crossing alignment as possible; h) compacted fill, berming, or bank stabilization shall be utilized where grading occurs along drainage channels; and i) if the project cannot feasibly avoid an existing low-flow channel, a constructed channel or an underground conduit, or a combination of both techniques, shall be used to convey post-construction flows, and in steeper drainages, a constructed channel shall include a series of flatter stretches with rock drop structures to control water velocity.

Mitigation Measure 4.8-40: In conjunction with the submittal of any proposed tentative tract map, parcel map or commercial site development plan, the project proponent shall submit a flood hazard study/drainage plan as required by Section 18.15.030 (J) (2) of the Kern County Land division Ordinance. This flood hazard study/drainage plan shall be reviewed and approved by the Kern County Engineering and Survey Services Department prior to final approval of any subdivision map or approval of any commercial site development plan. In general, subject to final approval by the County, the Project shall implement Section B.3.b of the Tejon Mountain Village Specific Plan Master Design Guidelines, including the following provisions: a) site drainage shall be designed to maximize the use of natural drainage courses, to control erosion and sedimentation, and to avoid the potential for flooding; b) natural drainage courses shall be protected and existing drainage patterns maintained to the extent feasible; c) increased water flows off of the development sites due to increases in impervious surfaces shall be managed to the greatest extent feasible on site by systems that retain water and encourage percolation; d) constructed ditches and channels shall be utilized only when necessary to ensure maximum control of drainage; e) natural appearing swales with stone and small boulders to simulate natural
drainage patterns, and to slow the flow of water, shall be used wherever feasible in lieu of constructed ditches and channels; f) drainage design shall address any potential for erosion and consequent downstream water quality impacts and flooding resulting from development; g) erosion control and stream protection measures shall be required during construction; and h) surface drainage shall be managed to minimize erosion to the extent feasible by such means as the following: (i) slope gradients shall be minimized to slow water and achieve groundwater recharge and develop overland sheet drainage to avoid drainage concentration, (ii) water shall be intentionally directed to appropriate catchments, minimizing run-off velocity to diminish erosion and sediment, (iii) collection facilities shall be placed at the edges of paved areas and avoid extreme changes of grade related to collection facilities; (iv) collection facilities shall be constructed with sumps, traps, or other devices to trap pollutants from paved surfaces used by vehicles prior to releasing flows into natural watercourses; (v) erosion shall be controlled at the exits of drainpipes by the installation of energy dissipaters, boulders and stones, or other devices that blend in with the natural setting; (vi) water bars shall be installed on gravel or earthen pathways to minimize the potential for erosion and (vii) percolation shall be encouraged through the use of bioswales and permeable pavement materials.

Page 4.8-56 to 4.8-57

Mitigation Measure 4.8-43: The project is required to manage flows to reduce the potential for downstream flooding. Concurrent with the submittal of any tract map, parcel map, or commercial site development plan the project proponent shall prepare a drainage study for review and approval by Kern County Engineering and Survey Services to ensure the existing flood control measures are effective and that future development does not cause flooding downstream. The following flood-control measures shall be implemented prior to the issuance of any building permit (except for permits authorizing construction of the marketing center, gatehouse and construction offices) for development that would drain into Grapevine Creek as determined by the drainage study. If the proposed development will not drain into Grapevine Creek, the project proponent will be subject to flood control measures required by Kern County Engineering and Survey Services per the submitted approved drainage study.

a. The proposed Lake Drive culvert modifications will be reconfigured by raising the seven 18” low level culverts to elevation 3506 above mean sea level (see Stantec Drainage Report Figure 5 for a depiction of the outlet culvert configuration). The previous proposal established an invert elevation of 3499.49 above mean sea level for the seven 18” low level culverts. This will provide the additional dead storage required to retain the increase in run-off volume associated with the developed condition and therefore mimics the existing condition frequency of discharges considering the impact of the Project.

b. The revised conceptual culvert configuration will be finalized in conjunction with confirming flood routing results for the various return frequency storm events including the 2-Yr, 5-Yr, 10-Yr, 25-Yr and 100-Yr events. Consistent with the previous drainage study results, the final culvert configuration will also ensure peak flow rates are not increased downstream of the Project including at Lake Drive and the hydrologic confluence point at Grapevine Creek and Rising Canyon.

c. In addition to the measures mentioned above, flash boards placed immediately upstream of the low level culverts will be considered as a means to provide additional dead storage to elevation 3507 above mean sea level, resulting in an additional 423 acre-feet of
storage. The flash boards will be assessed in the flood routing analyses for the various return frequency storm events in order to determine peak discharge results. However, it is assumed that the flash boards would not be installed initially but rather would provide for a reactionary program based upon downstream monitoring as it relates to the frequency of discharges.

d. A drain culvert(s) will be incorporated into the Castac Lake outlet configuration to be set at approximately elevation 3499.5 (this would match the existing condition low flow scenarios with the existing culvert invert elevation also at approximately 3499.5 above mean sea level). The drain culvert(s) would be gated and not accounted for in the flood routing analyses. However, the drain culvert(s) can be “opened” in reaction to monitoring of existing wetland areas downstream and determination that low flows would benefit the habitat.

e. Developer shall obtain a written commitment from Tejon Ranch Company (TRC) that TRC will manage Castac Lake at an elevation 3,500 above sea level, providing an additional 1,076 acre-feet of storage below elevation 3,503.

f. Hydrologic and vegetation conditions in Grapevine Creek shall be monitored. This will include a monitoring program for pollutants of concern at a downstream monitoring location upstream (east) of I-5 for a 2-year period following the completion of Lake Drive improvements. If monitoring indicates that vegetation is being adversely affected by the reduced peak flow that would result from the proposed elevation of Lake Drive and arch culvert system, supplemental culverts, gates, or other appropriate means shall be installed as required to recreate pre-construction peak-flow discharge rates.

Page 4.8-60

Mitigation Measure 4.8-44: To reduce the potential for recycled water to adversely affect groundwater quality through reclamation, salinity BMPs will be implemented prior to wastewater generation. BMPs are primarily in the form of a) banning self-regenerating water softeners; b) regulating the discharge of salt swimming pools into the sewer system; and c) public education related to the use of garbage disposals and types of detergents that tend to increase wastewater salinity. Salinity BMPs shall be included in the Tejon Mountain Village Specific Plan, and will be applicable to all private residences, commercial areas, or other privately owned or managed facilities within the Project. Recycled water will be blended with raw water prior to application to golf course land to reduce salinity concentrations in recycled water. Groundwater salinity and electrical conductivity levels within the California Department of Water Resources (DWR) Basin 5-29 shall be monitored to determine if recycled water use is adversely affecting groundwater quality and whether additional salinity treatment processes should be incorporated into the reclaimed water treatment process.

Mitigation Measure 4.8-45: Groundwater salinity and electrical conductivity levels within the California Department of Water Resources (DWR) Basin 5-29 shall be monitored to determine if recycled water use is adversely affecting groundwater quality and whether additional salinity treatment processes should be incorporated into the reclaimed water treatment process. In addition, salinity and electrical conductivity levels in the raw water, wastewater influent, treated wastewater effluent, and effluent storage basin will also be monitored to determine the potential for recycled water use to adversely affect groundwater quality. The wastewater treatment facility operator shall ensure that, at all times, recycled water used within the project area shall be treated
to the tertiary treatment standard under Title 22 of the California Code of Regulations, which allows for unrestricted outdoor irrigation use of recycled water supplies.

Page 4.9-81

Mitigation Measures

No mitigation measures required. **Mitigation Measure 4.9-1**: Should the Master Developer, Tejon Mountain Village, LLC, or its designee or assignee file for bankruptcy and become financially unable to comply with mitigation obligations assigned to the Master Developer in the Final Environmental Impact Report Mitigation Measures, then an alternate entity (or entities) acceptable to the County, such as a Geologic Hazard Abatement District, may assume responsibility for compliance with such mitigation obligations. Nothing in this mitigation measure alters or amends the rights of the County to fully enforce the Specific Plan and the Special Plan, and both minor and major amendments to the Specific Plan and/or Special Plan must be approved by the County Planning Department, the Planning Commission and/or Board of Supervisors, as required by applicable County ordinance. Additionally, nothing in this mitigation measure allows any deviation from the obligation to implement all mitigation measures in the Final Environmental Impact Report, the requirements of the Specific Plan and Special Plan and any proposed change to such mitigation obligations would be subject to review and approval by the County and may require further environmental review including public notice and hearings as required by applicable County ordinances, CEQA, and other applicable legal requirements.

Page 4.11-14 to 4.11-15

Following construction, Project residences and other new and existing noise sensitive land uses would be exposed to noise from traffic on local arterial roads, highways, and Interstate 5, and from military overflights as described on page 4.11-25.

Page 4.11-25

While single noise events could create a temporary nuisance for some individuals, overflight noise would not exceed county, state, or federal CNEL guidelines for residential and similar development. Approximately 44% of California, including many urban and suburban areas, is located underneath military training routes. In addition, insulation and other energy conservation improvements that are included in the Title 24 standards that were adopted in 2008 and will go into effect in January 2010, also increase, to some extent, noise insulation. Cal. Code Regs., tit. 24, part 6 (2008). Depending upon the building materials and designs used to comply with these standards, Title 24 would result in some reduction of noise impacts associated with military overflights. Overflight noise would not generate a significant impact, based on the noise evaluation methodology used in this EIR.

Page 4.11-26

**Mitigation Measure 4.11-6** The following statement shall be included as a note on the final map for all subdivisions, commercial site plans and included in the project Covenants, Conditions and Restrictions (CC&Rs):
“This property is presently located under military training routes and a supersonic corridor subject to use by the Department of Defense. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to the routes and corridor (for example: noise, vibration, low-level over flight or sonic booms). Tejon Ranch currently operates a helispot and the project includes construction and operation of two additional helipads and you may be exposed to noise impacts from helicopter overflights. Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

The Master Developer shall prepare a will ensure that this disclosure statement that will be is provided to, and acknowledged in writing by, each prospective property buyer within the project. stating that the project is located under a military training route and is subject to military aircraft overflights that may occur at high speed and low altitude. This disclosure statement shall also note that Tejon Ranch currently operates a helispot and the project includes construction of two additional helipads, and that residents may be exposed to noise impacts from helicopter overflights.

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Mitigation Measure 4.11-7: No residential uses shall be constructed within 200 feet of the proposed helipads. The location of the proposed helipads should be noted on the final subdivision map, as well as the 200-foot contour. The Department of Defense Regional Environmental Coordinator for Navy Southwest shall be notified when permits are submitted to Caltrans Department of Aeronautics or if the helipads are deemed to be exempt from a State permit and the locations of the helipads.

Page 4.11-29

Therefore, noise from multiple sources is not added or subtracted by ordinary arithmetic means. For example, noise from intermittent helicopter operations or military overflights is of very short duration, and is evaluated separately rather than arithmetically added to the cumulative noise measurements and assessment of ambient noise levels.

Page 4.13-5 to 4.13-7

A portion of the Tejon Mountain Village site is located within the El Tejon Unified School District, which provides educational services for grades kindergarten through 12. The remainder of the site is located within the Arvin Union School District and the Kern High School District. The Arvin Union School District provides educational services for grades kindergarten through eight, while grades nine through 12 are administered by the Kern High School District.

El Tejon Unified School District

The El Tejon Unified School District services the communities of Lebec, Frazier Park, Lake of the Woods, Lockwood Valley, Pinon Pines, Cuddy Valley, and Pine Mountain Club. Presently, the district operates Frazier Park School, serving kindergarten through third grade; El Tejon School, serving fourth through eighth grade; Frazier Mountain High School, serving ninth through 12th grade; El Tejon Continuation High School, serving ninth through 12th grade; and
Pine Mountain Learning Center, a charter school serving kindergarten through sixth grade (see Figure 4.13-2).

Enrollment in the El Tejon Unified School District has varied over the last 10 years, from a high of 1,426 students in the 2003/2004 school year to a low of 1,301 students in the 2006/2007/2008/2009 school year. The current enrollment of 1,349 students is near this low point (2007/2008/2009 school year), according to data from the California Basic Educational Data System.

The El Tejon Unified School District is facing numerous physical challenges, including inadequate building space, aging moveable classrooms, and undersized playground areas (El Tejon Unified School District Governing Board 2008).

Frazier Park School

Originally built as a 5,280-square-foot facility to serve approximately 100 primary-age children, Frazier Park School currently has 26,400 square feet of state-approved building space. Students are instructed in four permanent classrooms located in the original wing of the school and 20 portable classrooms. Located in Frazier Park, the school’s current student population is approximately 305 (El Tejon Unified School District Governing Board 2008, 289 students (California Basic Educational Data System figures for 2008/2009 school year).

El Tejon School

Originally built to serve about 75 students, El Tejon School now consists of an office, library, gymnasium, cafeteria with attached kitchen facilities, staff lounge/lunch room, 14 permanent classrooms in five concrete wings, 10 moveable classrooms, and two sets of boy/girl bathrooms. The current student population is approximately 420 students (El Tejon Unified School District Governing Board 2008, 436 students (California Basic Educational Data System figures for 2008/2009 school year).

Frazier Mountain High School

The original Frazier Mountain High School was constructed with a main building to house administration, the library, central kitchen, gymnasium, cafeteria, music room, technical center/classroom M1, nine permanent classrooms, and five portable classrooms. Since the school’s construction, eight additional portable classrooms have been added, for a total of 22 classrooms. One of the portable classrooms is located in a section of the school that has been designated as the agriculture/greenhouse area. A greenhouse and barn have been built there. The current student population is approximately 484 (El Tejon Unified School District Governing Board 2008, 462 students (California Basic Educational Data System figures for 2008/2009 school year).

El Tejon Continuation High School

Adjoining but separate from Frazier Mountain High School, El Tejon Continuation High School is a new school that offers an alternative education. It consists of two moveable buildings that are linked by a small central office area. Enrollment is approximately 42 students (El Tejon Unified School District Governing Board 2008, 30 students (California Basic Educational Data System figures for 2008/2009 school year).
Pine Mountain Learning Center

The El Tejon Unified School District established Pine Mountain Learning Center, which is a charter school located west of the Pine Mountain Club. The current facilities are on leased land; the original buildings are owned by Kern County. Since it opened, two moveable classrooms have been added to the property. The current enrollment is approximately 84 students (El Tejon Unified School District Governing Board 2008, California Basic Educational Data System figures for 2008/2009 school year).

Arvin Union School District

The Arvin Union School District services Arvin and the surrounding area at the base of Bear Mountain. This district includes three elementary schools and a middle school: Bear Mountain Elementary School, Sierra Vista Elementary School, El Camino Real Elementary School, and Haven Drive Middle School (Arvin Union School District 2008).

In the 2006–2007 school year, Arvin Union School District had 3,209 students, 2,167 at the elementary school level and 1,042 at the middle school level. (Note: These figures do not include El Camino Real Elementary School, which opened in the 2007–2008 season.) The district has had a relatively consistent growth rate in the past decade of about 2% to 4% every year (Educational Data Services Inc. 2008).

Sierra Vista Elementary School

Sierra Vista Elementary School, established in 1951, is located at 300 Franklin Street in Arvin and serves grades kindergarten through five. The school consists of 50 classrooms, a library, a computer lab, a multi-purpose room/cafeteria, a staff room, two playgrounds, and an administrative office (Arvin Union School District 2007c). Its 2006–2007 enrollment was 1,111 students (Educational Data Services Inc. 2008, California Basic Educational Data System figures for 2008/2009 school year).

Bear Mountain Elementary School

Bear Mountain Elementary School, established in 1995, is located at 1501 Hood Street in Arvin and serves grades three kindergarten through five. The school consists of 42 classrooms, a library, a multi-purpose room, a staff room, and three playgrounds (Arvin Union School District 2007a). Its 2006–2007 enrollment was 1,056 students (Educational Data Services Inc. 2008, California Basic Educational Data System figures for 2008/2009 school year).

Haven Drive Middle School

Haven Drive Middle School, built in 1945, is located at 341 Haven Drive in Arvin and serves grades six through seven and eight. The school has 46 classrooms, a library, two computer labs, a multi-purpose room/cafeteria, a staff room, a gymnasium, a playground, and a video studio (Arvin Union School District 2007b). Its 2006–2007 enrollment was 1,047 students (Educational Data Services Inc. 2008, California Basic Educational Data System figures for 2008/2009 school year).

Kern High School District
The Kern High School District is composed of 22 schools located throughout Kern County, from north of Bakersfield to Arvin, including 18 high schools and five continuation facilities. There is also one charter school. The Tejon Mountain Village site falls within the boundaries of Arvin High School as well as Ridgeview High School (Kern High School District 2006).

In the 2006–2007 to 2008–2009 school year, Kern High School District had 36,083–37,783 students. The district has experienced a relatively consistent growth rate in the past decade of about 2% to 5% every year (Educational Data Services Inc. 2008).

Arvin High School

Arvin High School is located at 900 Varsity Road in Arvin. It serves the communities of Arvin, Lamont, and Weedpatch as well as their surrounding areas. Its 2006–2007 to 2008–2009 enrollment, which covers 496 classes, was 2,195–2,574 students in grades nine through 12. (California Basic Educational Data System figures for 2008/2009 school year). Arvin High School opened in 1949 (Educational Data Services Inc. 2008).

Ridgeview High School

Ridgeview High School is located at 8501 Stine Road in Bakersfield and serves the southwestern portion of Kern County. Its 2006–2007 to 2008–2009 enrollment, which covers 448 classes, was 2,543–2,520 students in grades nine through 12 (California Basic Educational Data System figures for 2008/2009 school year). Ridgeview High School opened in 1994 (Educational Data Services Inc. 2008).

Page 4.13-20 to 4.13-23

Long-Term (Operations-Related) Impacts

Student Generation

Portions of the Tejon Mountain Village site are located within the El Tejon Unified School District, with other portions in the Arvin Union School District and Kern High School District. Due to transportation and roadway access considerations, it is not known which of these school districts would actually service the Project; therefore, three possible scenarios were analyzed. The number of potential new students generated by the Project estimated in each scenario is conservative because full Project occupancy would not occur for several years and many units would not be occupied on a full-time, year-round basis.

- **Scenario 1.** The existing school district boundaries would remain at their existing locations, and Project area students would attend schools in the currently designated districts.

- **Scenario 2.** A school boundary change would be approved by the California Board of Education to adjust the boundaries so that the Tejon Mountain Village site would be in the El Tejon Unified School District.

- **Scenario 3.** A school boundary change would be approved by the California Board of Education to adjust the boundaries so that the Tejon Mountain Village site would be in the Arvin Union School District or Kern High School District.
Student generation factors for residential units within the El Tejon Unified School District were based on numbers from factors supplied by the El Tejon Unified School District, which uses Panama-Buena Vista Union School District generation rates for kindergarten through eighth grade, and the Kern High School District for ninth through 12th grade. (Note: The Panama-Buena Vista Union School District is in southwestern Bakersfield.) These rates are as follows:

- Kindergarten through sixth grade: 0.58 students per house residential unit;
- Seventh and eighth grade: 0.14 students per house residential unit; and
- High school: 0.20 students per house residential unit.

Student generation factors for residential units within the Arvin Union School District were based on factors identified by the Arvin Unified School District in the School Facilities Needs Analysis adopted by the Board of Trustees on July 21, 2009. These rates are as follows:

- Kindergarten through sixth grade: 0.7406 students per residential unit; and
- Seventh and eighth grade: 0.1478 students per residential unit.

Student generation factors for residential units within the Kern High School District were based on factors used by the Kern High School District for ninth through 12th grade pupils. The applicable rate for high school pupils is 0.2442 students per single family detached residential unit and 0.1694 students per multi-family attached residential unit. (Kern High School District, Residential Development School Fee Justification Study, March 26, 2008). For purposes of Scenario 1, the EIR assumes that all 2,385 residential units in the Kern High School District will be single family detached units and in the El Tejon Unified School District the general 0.20 student generation factor is used for high school students because ETUSD does not distinguish between multi-family and single family residential uses. For purposes of Scenario 3, the EIR assumes that the Project will consist of 3,050 single family detached residential dwelling units and 400 multi-family attached residential dwelling units. Notwithstanding the assumptions made for Scenario 1 and Scenario 3 regarding the single family and multi-family product mix, under the Tejon Mountain Village Specific Plan and Community Plan Special Planning District, the mix of single family and multi-family units can vary, which could result in a higher or lower number of students overall and/or within one or more of the Kern High School District, the Arvin High School District or the El Tejon Unified School District. Variations in the single family/multi-family residential product mix from the figures assumed in this EIR will not change the ultimate conclusion that the Project impacts on high schools will be significant prior to implementation of Mitigation Measure 4.13-12.

**Scenario 1: Existing School District Boundaries.** Of the 3,450 residential units at Tejon Mountain Village, 1,065 would be in the El Tejon Unified School District. These units would have an estimated maximum population of 3,339 of which 785 residents would be of school age. For this analysis, it was assumed that all of these students would attend existing public schools in the El Tejon Unified School District. For purposes of calculating K-8 student generation, the EIR does not distinguish between single family and multi-family residential units, as the Arvin Union School District and El Tejon
Unified School District do not currently use separate student generation rates for single family detached and multi-family attached residential land uses. As a result, the number of K-8 students generated by the Project could be lower than calculated by this EIR if a multi-family generation rate is used, because multi-family residential units have a higher likelihood of households without children.

Of the 3,450 residential units at Tejon Mountain Village, 2,385 would be in the Arvin Union School District or Kern High School District. These units would have an estimated maximum population of 7,477 of which 4,757-2,596 residents would be of school age. For this analysis, it was assumed that all of these students would attend existing public schools in the Arvin Union School District or the Kern High School District.

The results of the Project student generation analysis under the Scenario 1 assumptions are shown in Table 4.13-2.
### Table 4.13-2. Student Generation: Scenario 1 (Existing Boundaries)

<table>
<thead>
<tr>
<th>School</th>
<th>Approximate Distance from Tejon Mountain Village (entrance)</th>
<th>Grades</th>
<th>Current Enrollment</th>
<th>Tejon Mountain Village Student Generation</th>
<th>Total Enrollment with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>El Tejon Unified School District</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frazier Park School</td>
<td>11.7 miles</td>
<td>K–3</td>
<td>3,052,89</td>
<td>2,883,53</td>
<td>5,936,42</td>
</tr>
<tr>
<td>El Tejon School</td>
<td>3.7 miles</td>
<td>4–8</td>
<td>4,204,36</td>
<td>4,374,15</td>
<td>8,578,51</td>
</tr>
<tr>
<td>Frazier Mountain High School</td>
<td>4.0 miles</td>
<td>9–12</td>
<td>4,844,62</td>
<td>213</td>
<td>6,976,75</td>
</tr>
<tr>
<td><strong>Arvin Union School District/Kern High School District</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sierra Vista Elementary School or Bear Mountain Elementary School</td>
<td>38.1 miles or 37.2 miles</td>
<td>K–5 or K–6</td>
<td>2,162,792 (combined enrollment of both schools)</td>
<td>4,185,1,766 (combined enrollment of both schools)</td>
<td>3,352,3,558 (combined enrollment of both schools)</td>
</tr>
<tr>
<td>Haven Drive Middle School</td>
<td>38.0 miles</td>
<td>6–8</td>
<td>4,042,716</td>
<td>532,353</td>
<td>4,574,1,069</td>
</tr>
<tr>
<td>Arvin High School or Ridgeview High School</td>
<td>37.8 miles or 34.6 miles</td>
<td>9–12</td>
<td>3,280,5,094 (combined enrollment of both schools)</td>
<td>477,582</td>
<td>3,757,5,676</td>
</tr>
</tbody>
</table>

Notes:


**Scenario 2: Annexation into El Tejon Unified School District.** Under Scenario 2, all potential students at Tejon Mountain Village would attend existing public schools in the El Tejon Unified School District. The results of this analysis are shown in Table 4.13-3.
Table 4.13-3. Student Generation: Scenario 2 (Annexation into El Tejon Unified School District)

<table>
<thead>
<tr>
<th>School</th>
<th>Approximate Distance from Tejon Mountain Village (entrance)</th>
<th>Grades</th>
<th>Current Enrollment</th>
<th>Tejon Mountain Village Student Generation</th>
<th>Total Enrollment with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Tejon Unified School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frazier Park School</td>
<td>11.7 miles</td>
<td>K–3</td>
<td>305</td>
<td>1,143</td>
<td>1,448</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>289</td>
<td></td>
<td>1,432</td>
</tr>
<tr>
<td>El Tejon School</td>
<td>3.7 miles</td>
<td>4–8</td>
<td>420</td>
<td>1,341</td>
<td>1,764</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>436</td>
<td></td>
<td>1,777</td>
</tr>
<tr>
<td>Frazier Mountain High School</td>
<td>4.0 miles</td>
<td>9–12</td>
<td>484</td>
<td>690</td>
<td>1,174</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>462</td>
<td></td>
<td>1,174</td>
</tr>
</tbody>
</table>

Note: El Tejon Unified School District current enrollment figures based on data from the California Basic Educational Data System for the 2008/2009 school year.

Scenario 3: Annexation into Arvin Union School District/Kern High School District. Under Scenario 3, all potential students at Tejon Mountain Village would attend existing public schools in the Arvin Union School District or Kern High School District. The results of this analysis are shown in Table 4.13-4.
### Table 4.13-4. Student Generation: Scenario 3 (Annexation into Arvin Union School District/Kern High School District)

<table>
<thead>
<tr>
<th>School</th>
<th>Approximate Distance from Tejon Mountain Village (entrance)</th>
<th>Grades</th>
<th>Current Enrollment</th>
<th>Total Enrollment with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arvin Union School District/Kern High School District</td>
<td>38.1 miles or 37.2 miles</td>
<td>K-5</td>
<td>2,167</td>
<td>4,714</td>
</tr>
<tr>
<td>Sierra Vista Elementary School</td>
<td>or Bear Mountain Elementary School</td>
<td>0</td>
<td>1,792</td>
<td>555</td>
</tr>
<tr>
<td>or Haven Drive Middle School</td>
<td></td>
<td>K-6</td>
<td>2,042</td>
<td>769</td>
</tr>
<tr>
<td>or Arvin High School</td>
<td></td>
<td>6-8</td>
<td>716</td>
<td>510</td>
</tr>
<tr>
<td>or Ridgeview High School</td>
<td></td>
<td>7-8</td>
<td>769</td>
<td>510</td>
</tr>
</tbody>
</table>


### Page 4.13-23

**Mitigation Measure 4.13-12:** Prior to the approval of the first building permit for the project, the project proponent shall either pay developer fees with each building permit to the appropriate school district(s) or negotiate a school mitigation agreement to the satisfaction of the school district(s) that would be affected by the project in accordance with the provisions of California Government Code Section 65996 and related implementing legislation and regulations. Within one year of Project approval, The Master Developer, Tejon Mountain Village, LLC, or their designee, will provide to El Tejon Unified, Arvin Union, and Kern High School Districts a general progress report regarding Project development status along with an estimate as to what general areas development may occur throughout the course of the year. General progress reports must be provided to each of the Districts thereafter, until Project completion, at no less than one year intervals. These progress reports may be in the form of updated Mitigation Monitoring Plans, showing which Mitigation Measures have been completed.

### Page 4.14-1

The Ranchwide Agreement requires that the Tejon Ranch Company dedicate an easement to relocate approximately 35 miles of the Pacific Crest National Scenic Trail, a federally maintained nonmotorized trail, from the desert floor in the Antelope Valley to the Tehachapi Mountain highlands located south and east of the project site.
Page 4.14-2

Approximately 557 miles of hiking, mountain biking, and equestrian trails, including 73 miles of designated National Recreation Trails and 176 miles of the Pacific Crest National Scenic Trail (out of the total 2,650 mile trail) (U.S. Department of Agriculture, Forest Service, 2005a)

Page 4.14-15

As discussed above in Section 4.14.2, “Environmental Setting,” under the Ranchwide Agreement, the Tejon Ranch Company will record an easement that would facilitate the relocation of approximately 35 miles of the Pacific Crest National Scenic Trail to upland portions of the ranch located east of the project site. Project development areas will be buffered from the relocated trail by the region’s steep topography. There will be no direct connectivity between the project’s trail system and the Pacific Crest National Scenic Trail. Project related activities would not impact the trail’s visual or other recreational resources.

Page 4.15-1

The Tejon Mountain Village project is located south of the junction of State Route 99 and Interstate 5 in the San Joaquin Valley, north of Interstate 5 from the Santa Clarita Valley to Gorman, and east of the communities of Frazier Park and Lebec (see Figure 4.153-1).

Page 4.15-2

Specific details regarding these models and their development are included in the traffic models and forecasting methodologies and discussed in more detail in the Traffic Impact Study (TIS) included as Appendix M-1. In response to comments, a revised TIS was prepared that supersedes the former Appendix M-1. The Revised TIS is included as the replacement version of Appendix M-1. The Revised TIS includes a description of the changes between the original TIS and the Revised TIS. The Revised TIS resulted in modifications to four Tables (Tables 4.15-5, 4.15-11, 4.15-12, and 4.15-15) and six Figures (Figure 4.15-2, Figure 4.15-3, Figure 4.15-4, Figure 4.15-5, Figure 4.15-6 and Figure 4.15-7), and the addition of several new Figures. Text changes to Section 4.15 based on the Revised TIS and other responses to comments are depicted below.

Figure 4.15-2 identifies the roadway segments that could be affected by project-related traffic. These segments extend from the junction of State Route 58 and State Route 99 in the Bakersfield area to the area south of the Calgrove interchange (in Newhall Pass) on Interstate 5 in the southern Santa Clarita Valley. Figure 4.15-2 was modified in response to comments to more clearly identify the area south of Calgrove (Newhall Pass) as part of the study area.

Page 4.15-4

The portions of Interstate 5 and State Route 99 that are subject to LOS C, D, or E performance requirements are identified in Figure 4.15-3. Figure 4.15-3 was revised in response to comments to note that the allowable LOS C area extends south to Frazier Mountain Park Road.
Page 4.15-7

Given current traffic counts and forecasts from the LATM model discussed above, the project could affect several local intersections. Figure 4.15-4 identifies the locations of these intersections and the intersection reference numbers used in the analysis. The numbers used to identify existing intersections in Figure 4.15-4 do not include 8–10. Figure 4.15-4 was modified in response to comments to re-label the "Equestrian Facility Access Road" to "Crane Canyon Road."

Page 4.15-8

Table 4.15-5 summarizes existing LOS levels at each of the intersections that could be affected by the project. In response to comments, Table 4.15-11 was amended to add a peak hour factor used to calculate delay, and this factor was also adjusted downward (thus showing a higher incremental traffic impact) from 0.92 to 0.88. The revised Table accordingly shows delay values to the intersections included in this Table, and also resulted in decreased LOS values for four locations in either the AM or PM peak hour.
**Table 4.15-5. Existing Intersection LOS Performance (HCM Criteria)**

<table>
<thead>
<tr>
<th>Number</th>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lebec Road Interchange Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Interstate 5 northbound on-ramp/Bear Trap Road</td>
<td>8.6</td>
<td>A</td>
</tr>
<tr>
<td>2</td>
<td>Lebec Road/Interstate 5 southbound off-ramp</td>
<td>9.8</td>
<td>A</td>
</tr>
<tr>
<td>3</td>
<td>Lebec Road/Meadow Road</td>
<td>9.0</td>
<td>A</td>
</tr>
<tr>
<td>4</td>
<td>Interstate 5 southbound on-ramp/Meadow Road</td>
<td>8.8</td>
<td>A</td>
</tr>
<tr>
<td>5</td>
<td>Bear Trap Road/Crane Canyon Road</td>
<td>8.6</td>
<td>A</td>
</tr>
<tr>
<td>6</td>
<td>Bear Trap Road/Meadow Rd (Overcrossing)</td>
<td>8.4</td>
<td>A</td>
</tr>
<tr>
<td>7</td>
<td>Meadow Road/Interstate 5 northbound off-ramp</td>
<td>7.2</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Fort Tejon Interchange Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Lebec Road (at Fort Tejon)/Interstate 5 northbound ramps</td>
<td>8.6</td>
<td>A</td>
</tr>
<tr>
<td>12</td>
<td>Rockford Road/Interstate 5 southbound ramps</td>
<td>9.4</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Frazier Mountain Park Road Interchange Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Lebec Road/Frazier Mountain Park Road</td>
<td>10.8</td>
<td>B</td>
</tr>
<tr>
<td>14</td>
<td>Interstate 5 southbound on-ramp /Frazier Mountain Park Road</td>
<td>0.3</td>
<td>A</td>
</tr>
<tr>
<td>15</td>
<td>Interstate 5 southbound off-ramp /Frazier Mountain Park Road</td>
<td>9.9</td>
<td>A</td>
</tr>
<tr>
<td>16</td>
<td>Interstate 5 northbound ramps/Frazier Mountain Park Road</td>
<td>12.8</td>
<td>B</td>
</tr>
</tbody>
</table>

Source: Appendix M-1. The numbers 8, 9, and 10 are not used to denote existing intersections.

**Page 4.15-18**

**Proposed Project Interchange and Intersection Improvements**

The Lebec Road/Interstate 5 interchange would provide primary freeway access to the site. To accommodate project traffic, however, the Project has proposed to complete improvements to the three interchanges (Lebec Road, Frazier Mountain Park Road, and Fort Tejon), and one local intersection (Frazier Mountain Park Road and Lebec/Peace Valley Road). The timing of design studies and construction for these improvements is set forth below, consistent with Chapters 6 and 7 of the Revised TIS. All improvements would be financed by the Project unless otherwise indicated.
1. **Lebec Interchange Improvements, as depicted in Figures 4.15-5A and 4.15A1.**

1.1 Prior to approval of the first Tentative Tract Map or Commercial Site Development Permit, a Project Study Report (PSR) must be initiated with Caltrans. (A PSR includes interchange improvement design details, and other required information.)

1.2 Prior to issuance of the first residential or commercial building permit (except for permits authorizing construction of the marketing center, gatehouse, and construction offices), the following improvements must be completed:

- Lebec Road Minor Widening
- Lebec interchange southbound on-ramp intersection
- Lebec interchange northbound on-ramp

1.3 The timing and potential phasing of other improvements will be based on monitored traffic conditions and will also be subject to the Caltrans permitting process. (Monitoring requirements are described further below.) These further improvements include:

- Initial and intermediate phases: initial improvements include northbound ramp modifications and related eastside circulation system improvements, and intermediate phases include the northbound ramp relocation and the reconstruction of Lebec Road at this location.

Ramp and ramp termini improvements will be required based on the following performance criteria:

- The level of service shall not fall below C for any movement. (Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersections); or

- The length of vehicle queues at the off-ramps shall not exceed the storage capacity of the ramp; or

- Vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B (included as new Figure 4.15-5A2); or

- At the ramp diverging or merging area, the level of service shall not fall below "C".

Intersection improvements will be required based on the following criteria:
Queue length from intersections shall not spill over or interfere with the operation of adjacent intersections; or

The level of service shall not fall below "C" for any movement.

Ultimate phase: replacement of the existing overcrossing with an expanded overcrossing will be required based on the following performance criteria:

- AADT shall not exceed 13,000; or
- The peak directional volume shall not exceed 600 passenger cars equivalent per hour per lane; or
- The average speed of vehicles traveling across the structures shall not fall to 10mph or below during the peak 15 minutes; or
- If vehicle queues form on the structure and interfere with the operation of adjacent intersections.

2. Fort Tejon Improvements, as depicted in Figure 4.15-5B.

2.1 Prior to the opening of Rising Canyon Road for full access by Project residents, striping and stop signs are required for the Fort Tejon northbound on/off-ramp connection to Lebec Road

2.2 The timing and phasing of other improvements will be based on monitored traffic conditions and the Caltrans permitting process to maintain service at LOS C. Further improvements include completion of northbound and southbound off-ramp (diverge) auxiliary lanes. Performance criteria are specified below for ramp and ramp termini:

- Level of service shall not fall below "C" for any movement at the ramp termini. (Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection.); or,
- The length of vehicle queues at the off-ramps shall not exceed the storage capacity of the ramp; or
- The vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual Figure 504.2B (included as Figure 4.15-5A2; or
- At the ramp diverging or merging area, the level of service shall not fall below "C"
3. **Frazier Mountain Park Road Interchange improvements, as depicted in Figure 4.15-5C.**

3.1 Prior to issuance of the first residential or commercial building permit (except for permits authorizing construction of the marketing center, gatehouse, and construction offices), the northbound off-ramp intersection must be converted to an all-way stop.

3.2 The timing and phasing of this further improvement will be based on monitored traffic conditions and the Caltrans permitting process to maintain service at LOS "C." Further improvement includes completion of a second westbound lane on Frazier Mountain Park Road between Lebec Road and the southbound ramp intersection that provides traffic on the ramp intersection to have a free right-turn into this lane. The Project will be required to finance the cost of these improvements, but if there are other projects approved in the Frazier Park/Lebec Specific Plan area then the cost would be allocated between projects with the Project paying its fair share. Performance criteria for ramp and ramp termini improvements are specified below:

- **Level of service shall not fall below "C" for any movement at the ramp termini.** Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or,

- **The queue length of vehicle queues at the off-ramps shall not exceed the storage capacity of the ramp; or**

- **The vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B (included as Figure 4.15.5A2); or**

- **At the ramp diverging or merging area, the level of service shall not fall below "C" or an alternate standard approved by Caltrans.**

4. **Intersection improvements to Frazier Mountain Park and Lebec/Peace Valley Road, as depicted in Figure 4.15C.**

4.1 The timing and phasing of these improvements will be based on monitored traffic conditions to maintain service at LOS "D." The improvement includes adding lanes to the Lebec/Peace Valley Road intersection, and signalizing this intersection. The Project will be required to finance the cost of this improvement, but if there are other projects approved in the Frazier Park/Lebec Specific Plan area then the cost of this improvement would be allocated between projects with the Project paying its fair share.

5. **Multiple Project Improvement Program**

5.1 If new projects are approved within the Frazier Park/Lebec Specific Plan area in 2009 or beyond, additional traffic mitigation would be required and the Project would be required to fund its fair share of such improvements, based on
monitored traffic conditions. This improvement includes signalization of the northbound ramp intersection with the Project paying its fair share.

in three stages. The Stage 1a improvements would be completed at the beginning of the project. Subsequently, traffic studies of the interchange would be conducted at specific points in the development process to identify when the two additional sets of improvements (Stage 1b and Stage 2 improvements) would be required. The Stage 1a improvements would include minor widening along Lebec Road and improvements to the Lebec interchange Westside southbound on-ramp and Lebec interchange eastside northbound off-ramp. Stage 1a would be implemented prior to occupancy of the proposed project’s first dwelling unit. Stage 1b would involve improvements to the east side of the Lebec interchange, local circulation improvements, and northbound ramp modifications. A traffic study would be completed prior to occupancy of the project’s 931st dwelling unit or as required during the tentative tract or parcel map review process for a map including any commercial facilities to determine when the Stage 1b improvements would be implemented. Stage 2 would involve the relocation of the westside southbound ramp and the widening and realignment of Lebec Road. A traffic study would be completed prior to occupancy of the project’s 1,401st dwelling unit or as required during the tentative tract or parcel map review process for a map including any commercial facilities to determine when the Stage 2 improvements (and any portion of the Stage 1b improvements not previously implemented) would be implemented. The locations of the Stage 1a, Stage 1b, and Stage 2 improvements are identified in Figure 4.15-5.

Prior to the time that the planned road in Rising Canyon is open for full access by future residents, the project would also complete certain improvements to the Fort Tejon interchange. These include striping and stop sign installation at the northbound on- and off-ramp connections to Lebec Road, primarily for roadway safety purposes.

After the Lebec and Fort Tejon interchange improvements are implemented, certain existing intersections would be eliminated and new intersections would be created near the Lebec interchange and along Lake Drive. The eliminated intersections would include the Interstate 5 northbound on-ramp and Bear Trap Road intersection, the Interstate 5 southbound ramps and Meadow Road (overcrossing) intersection, the Bear Trap Road and Meadow Road intersection, and the Meadow Road and Interstate 5 northbound off-ramp intersection (see Figure 4.15-4). The new intersections would include the Lake Drive and Grapevine Loop “D” intersection; the Lake Drive and Crane Canyon “B” roadway intersection; the Lake Drive and Interstate 5 northbound ramp intersection; the Lake Drive and “A” Street southern intersection; and the “A” Street and Lake Drive northern intersection. Figure 4.15-6 identifies the locations of the five new intersections that would be created by the project should all potential Lebec and Fort Tejon interchange improvements be completed. Figure 4.15-6 has been revised in response to comments to remove "B" Street and to re-align "A" Street, and to depict peak hour traffic volumes on these intersections. Existing Intersection 5, depicted in Figure 4.15-4, is currently used to access the equestrian center adjacent to the project site. At full build out, Lake Drive would intersect with a road that accesses Crane Canyon to the south. The
numbers 10, 17, and 20 are not used to identify existing intersections in Figure 4.15-4 or new intersections in Figure 4.15-6.

Page 4.15-19 to 4.15-20

The portions of the project circulation system that are projected to carry more than 1,000 average daily trips under the full buildout assumptions identified in Table 4.15-6 and Table 4.15-7 are depicted in Figure 4.15-7. Figure 4.15-6 also depicts peak hour traffic volumes on designated internal roadway intersections.

Private roadways within the project are designed to accommodate the projected peak traffic under these conservative assumptions, and would be subject to review at the time that tentative tract or parcel maps that include a private road are submitted for approval in accordance with Title 18 (Land Division) of the Kern County Ordinance Code. Compliance with applicable federal, state and local standards would also be assessed at that time, as would school bus access.

Regional Growth

Table 4.15-8 summarizes the 2000–2030 population, dwelling unit, and employment growth projections that were used to analyze the project’s potential cumulative impacts. The derivation of these projections and the proposed and approved projects that were included in the analysis are discussed in more detail in Appendix M-1. The projections indicate that population would increase by more than 35% in the greater southern California region by 2030. Particularly significant growth is projected to occur in Kern County and in the northern portions of Los Angeles County. Recent growth rates in southern California have been generally lower than those indicated in the projections. In May 2009, the California Department of Finance reported that the Kern County population grew by approximately 1.5% from January 2008 to January 2009 compared with a projected annual growth rate of approximately 3.3% in Table 4.15-8 (California Department of Finance 2009). The growth projected in Table 4.15-8 may be lower in the future if these recent population trends continue.
Table 4.15-8. Regional Dwelling Unit, Population, and Employment Growth Assumptions, 2000–2030

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Dwelling Units</th>
<th>Population</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2000</td>
<td>2030</td>
<td>Increase (%)</td>
</tr>
<tr>
<td>1. Western L.A. Co. (unincorporated)</td>
<td>2,711</td>
<td>3,935</td>
<td>45.1</td>
</tr>
<tr>
<td>2. Palmdale Planning Area</td>
<td>37,977</td>
<td>63,306</td>
<td>66.7</td>
</tr>
<tr>
<td>3. Lancaster Planning Area</td>
<td>41,689</td>
<td>94,824</td>
<td>127.5</td>
</tr>
<tr>
<td>4. Kern County (east)</td>
<td>59,662</td>
<td>148,999</td>
<td>149.7</td>
</tr>
<tr>
<td>5. Kern County (west)</td>
<td>167,321</td>
<td>330,455</td>
<td>97.5</td>
</tr>
<tr>
<td>6. Los Angeles County (south)</td>
<td>3,005,968</td>
<td>3,671,830</td>
<td>22.2</td>
</tr>
<tr>
<td>7. Orange County</td>
<td>900,730</td>
<td>1,068,036</td>
<td>18.6</td>
</tr>
<tr>
<td>8. Riverside County</td>
<td>516,812</td>
<td>898,272</td>
<td>73.8</td>
</tr>
<tr>
<td>9. San Bernardino County</td>
<td>444,933</td>
<td>692,785</td>
<td>55.7</td>
</tr>
<tr>
<td>10. Ventura County</td>
<td>250,385</td>
<td>309,210</td>
<td>23.5</td>
</tr>
<tr>
<td>11. Victor Valley (Regional Statistical Area 32)</td>
<td>69,493</td>
<td>112,327</td>
<td>61.6</td>
</tr>
<tr>
<td>12. Barstow (RSA 31)</td>
<td>37,419</td>
<td>60,484</td>
<td>61.6</td>
</tr>
<tr>
<td>13. Santa Clarita (RSA 8)</td>
<td>48,765</td>
<td>144,777</td>
<td>196.9</td>
</tr>
<tr>
<td>14. Angeles Forest (LACO)</td>
<td>2,228</td>
<td>3,073</td>
<td>37.9</td>
</tr>
<tr>
<td>15. Eastern L.A. Co. (unincorporated)</td>
<td>13,687</td>
<td>19,736</td>
<td>44.2</td>
</tr>
<tr>
<td>Total</td>
<td>5,599,780</td>
<td>7,622,048</td>
<td>36.1</td>
</tr>
</tbody>
</table>

Notes:
1. See Figure 2-4 of Appendix M-16 for the boundaries of the subareas located within northern Los Angeles County, Kern County, and western San Bernardino County.
2. EAVTAM2 data augmented to account for Tejon Industrial Complex (2030).
3. Data from the Santa Clarita Valley Consolidated Traffic Model has been substituted in the EAVTAM2 model for the Santa Clarita Valley area.
Source: EAVTAM2 (except for Kern County and the Santa Clarita Valley, as noted above).
Source: Appendix M-1.
Southern Interstate 5 Freeway Improvements

Several improvement projects have been proposed or are being planned for the southern section of Interstate 5, including the addition of southbound and northbound truck and HOV lanes extending from approximately the Calgrove interchange to the Parker Road interchange. If these additional lanes are constructed prior to 2030, all of the cumulative impacts identified in Table 4.15-14 and Table 4.15-15 (see Impact 4.15-2) for locations south of the Lake Hughes interchange would be mitigated to some degree avoided. The analysis assessed impacts that would occur with and without the HOV and truck lane improvements and assumed the improvements would not necessarily be implemented in the assessment of the project’s potential cumulative impacts.

State Route 58 Truck Diversion

Caltrans is developing a plan to improve State Route 58 that would divert a significant portion of the existing truck traffic from Interstate 5 and other regional corridors. If implemented, average daily traffic on Interstate 5 in 2030 would be reduced by approximately 8,500 trips north of State Route 138 and by 6,800 trips south of State Route 138 (Appendix M-1). The diversion of 6,800 trips would result in the avoidance of cumulative impacts at the Interstate 5 freeway segments south of State Route 138, Templin Highway, Lake Hughes, and the Pico/Lyons interchanges, and to AM southbound traffic south of the McBean Parkway interchange identified in Table 4.15-14 and Table 4.15-15. The analysis identifies impacts that would occur with and without the State Route 58 truck diversion improvements and assumed the diversion project would not necessarily be implemented in the assessment of the project’s potential cumulative impacts.

Local Intersection Improvements

The Frazier Park/Lebec Specific Plan identifies several long-term mitigation measures for the Frazier Mountain Park Road intersections with Lebec Road and the southbound and northbound freeway ramps (see Frazier Park-Lebec Specific Plan, pages 6-7). These improvements were subject to the CEQA process that was completed for the adoption of the Frazier Park/Lebec Specific Plan, and include the following:

The analysis assumes that the project would complete designated Frazier Mountain Park Road improvements, and contribute to other the Frazier Mountain Park Road improvements on a fair share basis, as required to maintain applicable LOS standards on a fair share basis, consistent with the Proposed Project Interchange and Intersection Improvements as described above, (see Impact 4.15-2) and assumed the intersection improvements would not necessarily be implemented in the assessment of the project’s potential cumulative impacts.

The proposed project’s potential roadway segment impacts are summarized in Table 4.15-9. The results show that V/C ratios would increase by more than 0.02 under existing-plus-project conditions at several locations. However, all roadway segments except the Interstate 5 south of
Calgrove interchange segment would continue to meet applicable LOS performance standards under existing-plus-project conditions. Most segments would operate better than LOS C (i.e., a V/C ratio of 0.76 or lower). The highest V/C ratios under existing-plus-project conditions would occur at Interstate 5 locations south of Magic Mountain Parkway-Valencia. These locations, except south of Calgrove, operate at LOS DE or better (i.e., a V/C ratio of 0.9 or lower) and would continue to operate at LOS E or better (i.e., a V/C ratio of 1.0 or lower) under existing-plus-project conditions. The proposed project would not cause significant impacts on any existing roadway segments operating at LOS E or better.

**Page 4.15-34**

The project’s potential impacts on existing freeway ramps are summarized in Table 4.15-10. The results show that V/C ratios at several ramps would increase by more than 0.02 under existing-plus-project conditions. Additional improvements to freeway interchanges have also been proposed by the project based on responses to comments. Even without these improvements, based on the analytical methodologies described above, all of the ramps would continue to meet applicable performance standards (i.e., a V/C ratio of 1.0 or lower). Therefore, the project would not generate significant impacts.

**Page 4.15-36 to 4.15-41**

The Lebec interchange would be subject to the Stage 1a, Stage 1b, and Stage 2 proposed improvements described in Section 4.15.4, “Proposed Project Interchange and Intersection Improvements.” These improvements would result in the reconstruction and reconfiguration of the intersections that currently exist near the Lebec interchange, including the northbound on-ramp and Bear Trap Road, the Interstate 5 southbound on-ramp and Meadow Road, Bear Trap Road and Crane Canyon Road, and the Bear Trap Road and Meadow Road overcrossing. For illustrative purposes, the existing plus project analysis for the regional intersections summarized in Table 4.15-11 does not include the Lebec interchange improvements required to serve the project. As a result, the analysis indicates that the current intersections near the Lebec interchange, including the northbound on-ramp and Bear Trap Road, the Interstate 5 southbound on-ramp and Meadow Road, Bear Trap Road and Crane Canyon Road, and the Bear Trap Road and Meadow Road overcrossing, would operate at LOS F with the addition of project traffic. The proposed Lebec interchange improvements that would be implemented as part of the project would fully mitigate for these impacts (see Appendix M-1). These interchange improvements, as well as other project roadway construction, would eliminate certain existing intersections and create new intersections. The project’s potential impacts on existing or new project-related intersections are summarized in Table 4.15-11. Table 4.15-11 was revised, in response to comments, to decrease the peak hour delay factor from 0.92 to 0.88. This resulted in a more conservative evaluation, with longer delay periods in some intersections, and lower LOS levels in the AM and/or PM peak hours in designated intersections.
Table 4.15-11. Project Intersection Impacts under Existing-Plus-Project Conditions Assuming No Project-Related Lebec Interchange Improvements and Existing Lanes

<table>
<thead>
<tr>
<th>Location*</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>1. NB On-ramp &amp; Bear Trap Road</td>
<td>470.4209.9</td>
<td>F</td>
</tr>
<tr>
<td>2. Lebec Rd &amp; SB Off-ramp</td>
<td>44.914.2</td>
<td>B</td>
</tr>
<tr>
<td>3. Lebec Rd &amp; Meadow Rd</td>
<td>43.914.4</td>
<td>B</td>
</tr>
<tr>
<td>4. I-5 SB On-ramp &amp; Meadow Rd</td>
<td>&gt;250</td>
<td>F</td>
</tr>
<tr>
<td>5. Bear Trap Rd &amp; Crane Canyon Rd</td>
<td>&gt;250</td>
<td>F</td>
</tr>
<tr>
<td>6. Bear Trap Rd &amp; Meadow Rd (Overcrossing)</td>
<td>&gt;250</td>
<td>F</td>
</tr>
<tr>
<td>7. Meadow Rd &amp; I-5 NB Off-ramp</td>
<td>8.58.6</td>
<td>A</td>
</tr>
<tr>
<td>11. Lebec Rd (at Fort Tejon) &amp; NB Off/On-Ramps</td>
<td>10.114.0</td>
<td>A</td>
</tr>
<tr>
<td>12. Rockford Rd &amp; SB Off/On-Ramps</td>
<td>8.7</td>
<td>A</td>
</tr>
<tr>
<td>13. Lebec Rd &amp; Frazier Mountain Park Rd (*)</td>
<td>13.314.8</td>
<td>B</td>
</tr>
<tr>
<td>14. I-5 SB On-Ramp &amp; Frazier Mountain Park Rd</td>
<td>0.30.2</td>
<td>A</td>
</tr>
<tr>
<td>15. I-5 SB Off-Ramps &amp; Frazier Mountain Park Rd</td>
<td>10.240.1</td>
<td>B</td>
</tr>
<tr>
<td>16. I-5 NB Ramps &amp; Frazier Mountain Park Rd</td>
<td>15.014.5</td>
<td>C</td>
</tr>
</tbody>
</table>

Note that for HCM non-signalized analysis, the delay and LOS apply to the intersection leg under stop control. If there is more than one intersection leg under stop control then the leg with the highest delay is reported in the table. (*) – Four-way stop control (delay is average in seconds for all traffic)

The results in Table 4.15-11 show that LOS performance would be reduced from existing levels at certain intersections under existing-plus-project conditions. The interchange and intersection improvements described in existing Lebec Road and Interstate 5 interchange is not sufficient to serve the project and would be subject to the Stage 1a, Stage 1b, and Stage 2 improvements described in Section 4.15.4, “Proposed Project Interchange and Intersection Improvements,” to maintain applicable LOS standards. These improvements would result in new facilities that would maintain applicable LOS standards.

Completion of some of these traffic improvements would also result in minor short-term construction impacts, and long-term operational impacts, that were not described in the Draft EIR. None of the short- or long-term impacts would result in a significant new impact, or worsen a significant impact, than those already identified in the Draft EIR.

For the Lebec Interchange improvements, up to an additional 3.67 acres would be affected by the expanded traffic improvements included in Section 4.15.4 in relation to the off-site development.
envelope considered in the Draft EIR. These improvements result in no increase in the on-site development envelope, under either a design that utilizes roundabouts (Figure 4.15-5A) or traditional intersection designs (Figure 4.15-5A1). The additional 3.67 acres would not cause any significant impacts to the environment beyond those already evaluated in the Draft EIR, including but not limited to Biological Resources, Hazards and Hazardous Materials, and Cultural and Paleontological Resources, and all mitigation requirements applicable to construction activities in the off-site infrastructure development area generally would also apply to construction of these improvements.

The expanded Lebec Road interchange improvements would impact buildings that were identified as the "Old Post Office" in Section 4.5.3, CULTURAL RESOURCES AND PALEONTOLOGY, the Draft EIR. The Draft EIR did not evaluate these structures in detail, or include a study by an architectural historian. Notwithstanding the absence of a study, the Draft EIR concluded that this Old Post Office was eligible as a local landmark and for listing in the California Register based on its intactness and its representativeness of the "Moderne style in federal architecture." Draft EIR, at page 4.5-39.

Because the expanded Lebec Interchange improvements would affect some of the structures that had been identified as the "Old Post Office" in the Draft EIR, a study of the historical status and significance of these buildings was completed to evaluate whether the Lebec Interchange improvements could result in a potentially significant impact to historic resources under CEQA. The study, "Historic Resources Assessment for the Southern California Gas Company Complex, Lebec, California," was completed by qualified architectural historians at PCR Services Corporation, and is included as Appendix F-4 as described in Section 4.5.3, CULTURAL RESOURCES AND PALEONTOLOGY. This Study concluded that while these structures had been briefly used as a Post Office during the 1950s (as had several other buildings on Lebec Road), in fact the buildings were constructed by the Southern California Gas Company in 1941, near three other structures (the Hotel Lebec, the Floriafaunium welcome center, and a restaurant/coffee shop/service center - all of which were subsequently demolished). While confirming that the structures identified in the Draft EIR were representative of the Streamline Moderne style, the Study concluded that these structures were typical of a national trends of this style, were not federal architecture or representative of federal architecture of the era, were not of historical significance, and were not eligible for listing as a federal, state or local historic structure of significance. Accordingly, there were no adverse impacts to historic resources associated with the expanded Lebec Road interchange improvements.

The expanded improvements to the Fort Tejon interchange were likewise evaluated for potential indirect or direct impacts in the short-term (construction impacts) or long-term (operational impacts). No improvements beyond striping and the installation of stop signs were initially proposed for this interchange, and the expanded improvements include auxiliary lanes northbound and southbound, as depicted in Figure 4-15-5B and described in greater detail in Section 7.3 of the Revised TIS. These improvements would be completed within existing Caltrans ROWs in a disturbance area of 2.1 acres, and would not cause any significant indirect or direct impacts to any environmental resource including but not limited to Biological Resources, Hazard and Hazardous Materials, and Cultural and Paleontological Resources, and all mitigation requirements applicable to construction activities in the off-site infrastructure development area generally would also apply to construction within this 2.1-acre area.

The proposed improvements to the Frazier Mountain Park Interchange and Frazier Mountain Park-Lebec/Peace Valley Road intersection likewise would not result in any adverse impacts to
any environmental resource including but not limited to Biological Resources, Hazard and Hazardous Materials, and Cultural and Paleontological Resources, and all mitigation requirements applicable to construction activities in the off-site infrastructure development area generally would also apply to these improvements. The conversion of the Frazier Mountain Park Road northbound ramp intersection to an all-way stop would occur within the existing roadway, as would the signalization of the northbound ramp intersection (if required under the multi-project scenario). Similarly, the widening and restriping of the westbound, northbound and southbound lanes of the Frazier Mountain Park Road and Lebec/Peace Valley Road intersection, as described in Section 7.2 of the Revised TIS, would occur within existing and immediately adjacent to existing roadways.

The analysis also shows that, under the conservative assumptions used in the traffic model, all three local interchanges and Frazier Mountain Park Road and Lebec/Peace Valley the intersection of the Interstate 5 northbound ramps and Frazier Mountain Park Road would not meet the applicable LOS C standard with the implementation of the proposed Interchange and Intersection Improvements identified in Section 4.15.4, under existing plus-project conditions at approximately the time that the project’s 930th dwelling unit would be occupied (see Appendix M-1). Mitigation measures have been included to require implementation of traffic improvements to maintain applicable LOS standards, and to monitor project traffic to assure timely and effective implementation of these improvements. proposed to reduce the potential project impacts. Mitigation Measures 4.15-1, 4.15-2, and 4.15-4 would result in the implementation of the Stage 1, Stage 1b, and Stage 2 improvements to the Lebec interchange and would fully mitigate for all impacts at that location. Mitigation Measure 4.15-2 would result in striping and appropriate signage to convert the intersection of the Interstate 5 northbound ramps and Frazier Mountain Park Road to an all-way stop control from a one-way stop control. This improvement would maintain the required LOS C at the intersection under the existing plus-project conditions. All other intersections would operate at or exceed applicable LOS standards. Mitigation Measure 4.15-3 would improve the Fort Tejon interchange in conjunction with the unrestricted use of the Rising Canyon roadway by project residents. Mitigation Measure 4.15-6 would confirm the extent to which the project may contribute to a significant impact on Interstate 5 south of the Kern County/Los Angeles County line at the Calgrove location and would implement the transportation demand management (TDM) program described in Mitigation Measure 4.8-12 if any such impact is verified. Mitigation Measure 4.15-4 would reduce potential construction-period impacts on local roadways and intersections. Mitigation Measure 4.15-5 would reduce the volume of project workforce traffic. Mitigation Measure 4.15-6 would ensure that the project's internal internal roadway system complies with applicable Tejon Mountain Village Special Plan No. 1, Map 256 roadway standards. After mitigation, the project's potential impacts on existing traffic loads and capacities would be reduced to less than significant.

Mitigation Measures

Mitigation Measure 4.15-1: Concurrent with the application for tentative tract maps, or parcel maps (with the exception of financing maps) or a Commercial Site Development Plan, the project proponent shall submit to the Kern County Roads Department for review and approval a traffic evaluation detailing opening day traffic mitigation measures and all future roadway improvements.

Caltrans and Kern County Roads Department shall review the submitted traffic evaluation. Upon review and approval, all mitigation measures shall be incorporated into conditions of approval of
site plan reviews and subdivision maps. If the traffic evaluation demonstrates that the identified thresholds are exceeded, no building permits can be issued for the project site until such time as the required roadway improvements have been constructed, or as determined by Caltrans and the Kern County Roads Department.

Possible improvements, include for example the reconstruction and realignments of the ramps and their intersections with local roads, realignment of Lebec Road in the vicinity of the interchange and replacement of the over-crossing. Improvements to the interchange ramps including additional ramp lanes and auxiliary lanes may be required if warranted by traffic volumes.

The project proponent shall collect the following information and prepare a traffic evaluation study to establish the Level of Service (LOS) at the I-5/Lebec Interchange, Fort Tejon Interchange, and Frazier Mountain Park Road Interchange, including the over-crossing, ramps and intersections with local roads:

- a. weekday peak hour counts
- b. intersection turning movement counts
- c. over-crossing counts
- d. ramp counts

All counts shall be classified by vehicle type and percentage total.

The traffic evaluation should evaluate any proposed development against the following thresholds identified by the Kern County Roads Department and Caltrans:

**Lebec Road Interchange**

- a. Lebec Road Overcrossing
  - AADT shall not exceed 13,000; or
  - The peak directional volume shall not exceed 600-passenger cars equivalent per hour per lane; or
  - The average speed of vehicles traveling across the structure shall not fall to 10 mph or below during the peak 15 minutes; or
  - If vehicle queues form on the structure and interfere with the operation of adjacent intersections.

- b. Ramps and Ramp Termini
  - Level of service shall not fall below "C" for any movement at the ramp termini. Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or
• The length of vehicles queues at the off-ramps shall not exceed the storage capacity of the ramp; or

• Vehicles shall not queue back to the decleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B; or

• At the ramp diverging or merging area, the Level of Service shall not fall below "C".

c. Intersections

• Queue length from intersections shall not extend into or interfere with the operation of adjacent intersections; or

• Level of service for any movement shall not fall below "C".

Fort Tejon Interchange

a. Ramps and Ramp termini

• Level of service shall not fall below "C" for any movement at the ramp termini. Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or

• The length of vehicles queues at the off-ramps shall not exceed the storage capacity of the ramp; or

• Vehicles shall not queue back to the decleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B; or

• At the ramp diverging or merging area, the Level of Service shall not fall below "C".

Frazier Mountain Park Road Interchange

• Level of service shall not fall below "C" for any movement at the ramp termini. Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or

• The length of vehicles queues at the off-ramps shall not exceed the storage capacity of the ramp; or

• Vehicles shall not queue back to the decleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B; or
At the ramp diverging or merging area, the Level of Service shall not fall below "C" or an alternate standard approved by Caltrans.

Mitigation Measure 4.15-2: Prior to the approval of the first tentative tract or parcel map that allows construction or the approval of the first Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, evidence shall be provided to the Kern County Roads Department that the applicant has formally initiated a Project Study Report with Caltrans for the Lebec Interchange.

Mitigation Measure 4.15-3. Concurrent with the second and all subsequent applications for tentative tract maps, or parcel maps (with the exception of financing maps), or a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall conduct an appropriate traffic study to determine if project traffic volumes exiting the project and traveling southbound on Interstate 5 are consistent with the trip generation assumptions, trip distribution assumption and LOS performance and project traffic volumes identified in the EIR. If the results verify a project-related impact to Southern California segments of Interstate 5, the project shall implement a Transportation Demand Management (TDM) program. The project homeowners association, property owners association, or similar entity shall implement a TDM program, including a carpool program, a van pool program, regional shuttle coordination, a telecommuting center, or a park and ride lot, as appropriate, to reduce the project-related traffic along the southern California segment of the Interstate 5 corridor. Copies of the program, along with annual reports, shall be submitted to Caltrans, Kern County Roads Department, and Kern County Planning Department.

Mitigation Measure 4.15-4: Prior to the first grading permit, the project shall develop and implement a Construction Traffic Control Plan that will:

a. Provide information about project construction activities, including timing and anticipated traffic focal areas, to public transit and emergency service providers, residents, and businesses located in the project vicinity;

b. Avoid roadway segments or intersections that are at or exceeding the applicable LOS standards to the extent feasible during the periods of PM AM and PM peak traffic loads;

c. Identify an access and circulation plan for use by emergency vehicles in the event that construction-related lane closures or detours occur, including advance notice to local fire and police department to ensure that alternative evacuation and emergency routes are identified to maintain response times;

d. Maintain access to existing residences in the area at all times;

e. Provide adequate parking for construction workers, trucks, and equipment within the designated project footprint throughout the construction period;

f. Restrict construction material deliveries to the extent feasible to between 9:00 a.m. and 3:00 p.m. to avoid peak AM and PM traffic loads;

g. Provide traffic controls as required on roadways adjacent to the project, including flag persons with appropriate safety apparel and a Stop/Slow paddle to control oncoming traffic, and construction warning signs that are posted in accordance
with local standards or those set forth in the California "Manual on Uniform Traffic Control Devices (latest edition thereof) in advance of an active construction area;

h. Provide written notification to contractors regarding appropriate routes to and from the construction site and weight and speed limits applicable to local roadways that access the construction site; and

i. Post signs at all active construction areas identifying the name, telephone number, and other pertinent contact information for Kern County staff regarding potential construction traffic issues or concerns.

Mitigation Measure 4.15-1: Prior to the issuance of the first dwelling unit certificate of occupancy, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall complete the Stage 1a improvements at the Lebec interchange, as identified in Figure 4.15-5, including minor widening along Lebec Road and improvements to the southbound (west side) and northbound (east side) off-ramps. The improvements will comply with all applicable state, local, and federal requirements and be completed to the satisfaction of the Kern County Roads Department. The need for additional Lebec interchange improvements due to the construction of the project’s commercial facilities, including the Stage 1b and Stage 2 improvements, will be evaluated as required prior to the approval of each project tentative tract map, parcel map or Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, in accordance with the Title 18 (Land Division) of the Kern County Ordinance Code. Any Lebec interchange improvements that may be required to accommodate commercial traffic as indicated in the conditions of approval for a project tentative tract map, parcel map, or Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, shall comply with all applicable state, local, and federal requirements and be completed to the satisfaction of the Kern County Roads Department.

Mitigation Measure 4.15-2: Prior to the issuance of the 931st dwelling unit certificate of occupancy, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall conduct an appropriate traffic study to determine if project traffic conditions at that time require the implementation of the Stage 1b improvements at the Lebec interchange, as identified in Figure 4.15-5, including improvements to the east side of the Lebec interchange, local circulation routes, and the northbound off-ramp. The study shall be submitted to the Kern County Roads Department for review and approval. The Roads Department, in consultation with the California Department of Transportation applicable districts, shall make the final determination regarding the necessity for implementing the Stage 1b Lebec interchange improvements. All improvements shall comply with applicable state, local, and federal requirements and be completed to the satisfaction of the Kern County Roads Department. If the traffic study concludes that the Stage 1b improvements are not required at the time, the timing of the Stage 1b improvements will be re-evaluated prior to issuance of the 1,401 dwelling unit certificate of occupancy, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256.

Mitigation Measure 4.15-3: Prior to the issuance of the 931st dwelling unit certificate of occupancy, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall provide funding to the County to
convert the intersection of the northbound Interstate 5 ramps and Frazier Mountain Park Road to an all-way stop control from a one-way stop control, including striping and stop sign installation.

**Mitigation Measure 4.15-4**: Prior to the issuance of the 1,401st certificate of occupancy, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall conduct an appropriate traffic study to determine if project traffic conditions at that time require the implementation of the Stage 2 improvements at the Lebec interchange, as identified in Figure 4.15-5, including the relocation of the westside-southbound ramp and widening along Lebec Road. The study shall be submitted to the Kern County Roads Department for review and approval. The Roads Department, in consultation with California Department of Transportation applicable districts, shall make the final determination regarding the necessity for implementing the Stage 2 or any uncompleted portion of the Stage 1b improvements to the Lebec interchange. All improvements shall comply with applicable state, local, and federal standards and be completed to the satisfaction of the Kern County Roads Department. If the traffic study concludes that the Stage 2 improvements or any previously unimplemented portion of the Stage 1b improvements are not required at that time, the study shall consider and recommend, as appropriate, the timing of the Stage 2 improvements or any previously unimplemented portion of the Stage 1b improvements.

**Mitigation Measure 4.15-5**: Prior to the opening of the roadway within Rising Canyon to full access by project residents, the project shall complete the striping and stop sign improvements to the Fort Tejon interchange identified in Appendix M-1. All improvements shall comply with applicable state, local, and federal standards.

**Mitigation Measure 4.15-6**: Prior to the issuance of the 931st and 1,401st certificates of occupancy, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall conduct an appropriate traffic study to determine if project traffic volumes exiting the project and traveling southbound on Interstate 5 are consistent with the trip-generation assumptions, trip distribution assumptions and LOS performance and project traffic volumes identified in the EIR. The study shall analyze the extent to which the project’s actual trip generation, distribution, or peak AM southbound impacts along the south of Calgrove segment require further analysis or whether the data results are consistent with a no-impact finding. If the data results support a no-impact finding, the results shall be compiled into a report and submitted to the Kern County Roads Department for review and approval. The Roads Department, in consultation with the applicable district of the California Department of Transportation, shall make the final determination regarding a no-impact finding. If the Roads Department concurs in the analysis, no further mitigation will be required. If the results verify a project-related impact to the south of Calgrove segment of Interstate 5, the project shall implement the transportation demand management (TDM) program as set forth in Mitigation Measure 4.15-12. If a study conducted after the issuance of the 1,401st certificate of occupancy or prior to approval of any Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, concludes that no impact to the peak AM southbound traffic along the south of Calgrove segment is occurring, but that a future project-related impact could occur at that location, then traffic volumes exiting the project and traveling southbound on Interstate 5 shall be monitored at or prior to the issuance of the 2,001st and 2,501st certificates of occupancy or prior to approval of any Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, to determine if the project is causing an impact at the south of Calgrove location at that time. If such an impact is verified, the TDM program shall be implemented in accordance with Mitigation Measure 4.15-12.
Mitigation Measure 4.15-7: Prior to the first grading permit, the project shall develop and implement a Construction Traffic Control Plan that will:

a. Provide information about project construction activities, including timing and anticipated traffic focal areas, to public transit and emergency service providers, residents, and businesses located in the project vicinity;

b. Avoid roadway segments or intersections that are at or exceeding applicable LOS standards to the extent feasible during periods of peak AM and PM traffic loads;

c. Identify an access and circulation plan for use by emergency vehicles in the event that construction-related lane closures or detours occur, including advance notice to local fire and police departments to ensure that alternative evacuation and emergency routes are identified to maintain response times;

d. Maintain access to existing residences in the area at all times;

e. Provide adequate parking for construction workers, trucks, and equipment within the designated project footprint throughout the construction period;

f. Restrict construction material deliveries to the extent feasible to between 9:00 a.m. and 3:00 p.m. to avoid peak AM and PM traffic loads;

g. Provide traffic controls as required on roadways adjacent to the project, including flag persons with bright orange or red vests and a Stop/Slow paddle to control oncoming traffic, and construction warning signs that are posted in accordance with local standards or those set forth in the “Manual on Uniform Traffic Control Devices” (Federal Highway Administration 2001) in advance of an active construction area;

h. Provide written notification to contractors regarding appropriate routes to and from the construction site and weight and speed limits applicable to local roadways that access the construction site; and

i. Post signs at all active construction areas identifying the name, telephone number, and other pertinent contact information for Kern County staff regarding potential construction traffic issues or concerns.

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Mitigation Measure 4.15-58: Prior to receiving a certificate of occupancy building permit from Kern County for any hotel or other permanent onsite facility that will employ more than 100 people, the facility operator shall provide a written report to the Kern County Planning Department regarding the implementation of appropriate measures to reduce employee commuting costs, including, but not limited to, demonstrating that: 1) at least 25% of the facility’s permanent work force will be drawn from within a 30-minute commuting radius of the facility; 2) employee housing for at least 25% of the facility workforce is available within or near the project site; 3) employee shuttles, vanpools, carpools, or similar commuting options are available; or 4) public transit to and from the facility is available to at least 25% of the workforce.
Mitigation Measure 4.15-9: Prior to final approval of any project tentative tract map, parcel map or Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, that includes a public road, the Kern County Planning Department, in consultation with the Kern County Roads Department, may request that a traffic study or other verification method be completed in accordance with the map approval requirements of Title 18 (Land Division) of the Kern County Ordinance Code to confirm that all public roads included in the map comply with applicable County roadway standards and requirements. The project shall comply with all public roadway-related conditions of approval that may be included in an approved tentative tract or parcel map for the project.

Prior to final approval of any project tentative tract map, parcel map or Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, that includes a private road, the Kern County Planning Department, in consultation with the Kern County Roads Department, may request that a traffic study or other verification method be completed in accordance with the map approval requirements of Title 18 (Land Division) of the Kern County Ordinance Code to confirm that all private roads included in the map comply with applicable County and Tejon Mountain Village Special Plan No. 1, Map 256 roadway standards and requirements. The project shall comply with all private roadway-related conditions of approval that may be included in an approved tentative tract or parcel map for the project.

Mitigation Measure 4.15-6: Prior to submittal of final approval of any project tentative tract map, parcel map or Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, that includes a public or private road, the Kern County Planning Department, in consultation with the Kern County Roads Department Engineering and Survey Service, may request that a traffic study or other verification method be completed in accordance with the map approval requirements of Title 18 (Land Division) of the Kern County Ordinance Code to confirm that all public roads included in the map comply with applicable County roadway standards and requirements. The project shall comply with all public roadway-related conditions of approval that may be included in an approved tentative tract or parcel map for the project.

Mitigation Measure 4.15-7: All project circulation elements, including onsite public and private roadways and driveways, will be designed and constructed in compliance with the goals, policies and design criteria described in the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256.

Mitigation Measure 4.15-8: The project shall implement the emergency access design requirements set forth in the Tejon Mountain Village Specific Plan, the Tejon Mountain Village Master Design Guidelines, the Tejon Mountain Village Special Plan No. 1, Map 256, and the Tejon Mountain Village Specific Plan Evacuation Plan.
Mitigation Measure 4.15-9: The project shall provide sufficient parking for commercial, recreational, and multi-family land uses as required by the applicable provisions of the Kern County Zoning Code, the Tejon Mountain Village Special Plan No. 1, Map 256, and the custom lot parking requirements identified in the Tejon Mountain Village Master Design Guidelines.

Mitigation Measures 4.15-10: (Payment of Supplemental Road Improvements): Prior to the recordation of the first tract map or parcel map, or the approval of the first Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the applicant shall provide to the County a written statement of intent, which will detail the approach used to satisfy obligations for supplemental road improvements detailed in the Mitigation Measures 4.15-1. The applicant may request that the statement of intent be amended to reflect future conditions, including the potential fair share allocation of costs associated with other transportation and traffic mitigation measures in this EIR prior to the recordation of any subsequent tract map or parcel map, or approval of a subsequent Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256. The initial written statement of intent and method proposed, and any subsequent amendments that may be requested by the applicant, will be approved by the Kern County Roads Department. The applicant shall have four approaches to fulfill the road improvement responsibilities:

a. Lump Sum Payment: Any lump sum payment shall be made prior to the recordation of a tract map or parcel map, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256 that generates an impact. All monies shall be paid to the Kern County Roads Department. At the time the applicant elects to pay, the Kern County Roads Department shall conduct a review of the distributed share amount and make adjustments, if required, based on increases to the construction cost index, other changes in standards or technology for required signalization or improvements, or updated development project proposals.

Final determination of the supplemental projects and amounts of the supplement funding will be based on the final approval of the Tejon Mountain Village Specific Plan designation and zoning. The Kern County Roads Department may request, at a cost to be borne by the applicant, a supplemental traffic analysis to determine the current lump sum payment.

b. Construction of Road Improvements: If, in an approved summary of intent, the applicant seeks to construct road improvements in lieu of a lump sum payment, the improvements shall be constructed and accepted by the County prior to issuance of the Certificate of Occupancy for the related building permits. Deviations from this sequence of events may be approved by the Kern County Roads Department.

c. Combination of Approach A and Approach B: The applicant may choose to provide construction for certain roadway improvements and payment for other improvements. This approach must be determined in consultation with the Kern County Roads Department. All monies designed for roadway improvements shall be paid prior to the recordation of a tract map or parcel map, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256 that generates an impact.

After determination of fair share lump sum, the cost may be allocated on a per house basis payable prior to the issuance of applicable Certificates of Occupancy. This method requires prior approval of the Kern County Roads Department.


3. Impacts on roadway segments, freeway ramps, and intersections under 2030 conditions without the project were compared to the impacts that would occur under 2030 traffic conditions with the project. Table 4.15-12 summarizes the analysis results for roadway segments. Table 4.15-12 was also revised in response to comments to correct an error regarding the Without Project, AM Peak Hour, Southbound volume at S/O Lebec. As a result of this change, the V/C has also changed, reflecting an overall decrease in traffic volumes and V/C levels as compared with the information presented in this Table in the Draft EIR. Table 4.15-14 summarizes the results for freeway ramps. Table 4.15-15 summarizes the results for intersections.
### Table 4.15-12. Cumulative Roadway Segment Impacts Assuming No Future Interstate 5 Improvements and Existing Lanes (shaded areas denote significant cumulative impacts)

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## County of Kern

### Chapter 7. Responses to Comments

#### Final Environmental Impact Report

**Tejon Mountain Village Specific and Community Plan**

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<td>Project Impact</td>
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<tr>
<td>S/O David</td>
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</table>
Several improvement projects have been proposed or are being planned for the southern section of Interstate 5, including the addition of southbound and northbound truck and HOV lanes extending from approximately State Route 14 (the Calgrove interchange) to the Parker Road interchange (the truck lanes are planned for southerly segments only and the HOV lanes are planned for the entire distance between State Route 14 and the Park Road interchange). If these additional lanes are constructed prior to 2030, all of the cumulative impacts identified in Tables 4.15-12 and 4.15-13 for locations south of the Lake Hughes-Park Road interchange would be mitigated avoided. The cumulative impacts identified at the State Route 138, Templin Highway, and Lake Hughes interchanges would not be reduced to applicable LOS standards by the additional HOV and truck lanes to the south (see Appendix M-1). To provide a conservative assessment, the cumulative impact analysis in this Draft EIR assumes that existing lane configurations would remain unchanged despite the significant traffic volume increases that are projected to occur by 2030. If some or all of the improvements currently being proposed or planned for the Interstate 5 corridor are implemented, the project’s cumulative impacts would be lower than those indicated in Tables 4.15-12 and 4.15-13.

Caltrans is developing a plan to improve State Route 58 that would divert a significant portion of the existing truck traffic from Interstate 5 and other regional corridors. If implemented, average daily traffic on Interstate 5 in 2030 would be reduced by approximately 8,500 trips north of State Route 138 and by 6,800 trips south of State Route 138 (Appendix M-1). The diversion of 6,800 trips south of State Route 138 would result in the avoidance of cumulative impacts at the Interstate 5 freeway segments south of State Route 138, Templin Highway, Lake Hughes, and the...
Pico/Lyons interchanges, and to AM southbound traffic south of the McBean Parkway interchange identified in Tables 4.15-12 and 4.15-13. Cumulative impacts at the remaining locations identified in Tables 4.15-12 and 4.15-13 would be reduced but would still occur if the diversion project is implemented (see Appendix M-1).

**Page 4.15-50**

Potential cumulative impacts at six of the ten locations would be mitigated to less than significant levels with the implementation of the State Route 58 truck bypass project. Potential significant cumulative impacts on the State Route 99 south of Houghton PM northbound, State Route 99 south of Old Route 99 PM southbound, State Route 99 south of David PM southbound, and State Route 99 south of Valpredo PM southbound segments would not be reduced to applicable LOS standards by the implementation of the State Route 58 diversion project. The analysis of the KCTM model with San Emidio is discussed in more detail in Section 8 of project traffic study, attached as Appendix M-1 to this Draft EIR.

**Cumulative Freeway Ramp Impacts**

Table 4.15-14 summarizes the project’s potential cumulative freeway ramp impacts. The analysis methodology is described in Impact 4.15-1. The analysis assumes that the Lebec interchange improvements, described in Figure 4.15-5A and Section 4.15.2, a) would not occur in the 2030 without-project scenario, and b) would occur in the 2030 with-project scenario. The results show that traffic at certain freeway ramps would increase in the 2030 with-project scenario, but all of the ramps would operate at better than the applicable standard (i.e., a V/C of 1.0 or lower). The project is also implementing interchange improvements at Frazier Mountain Park Road and Fort Tejon. Therefore, the project would not contribute to a cumulative freeway ramp impact.

**Page 4.15-52**

**Cumulative Intersection Impacts**

Table 4.15-15 summarizes the project’s potential cumulative intersection impacts. The analysis methodology is described in Impact 4.15-1. For clarity, potential impacts are separately summarized in Table 4.15-15 for the Lebec interchange area, the Frazier Mountain Park Road area (including the interchange and the nearby intersection of Frazier Mountain Park Road and Lebec/Peace Valley), and the Fort Tejon interchange area. The 2030 without-project scenarios for the Lebec interchange and Fort Tejon interchange areas assume that project-related roadway construction would not occur and that existing intersections would remain unchanged in 2030 (see Figure 4.15-4). The 2030 with-project scenarios in these two cases assume that five new intersections would be built and four existing intersections would be eliminated, as depicted in Figure 4.15-6 and discussed in Section 4.15.2. The analysis for the Frazier Mountain Park Road area identifies 2030 impacts without the project and with the project, and demonstrates that no impacts remain after implementation of the mitigation measures identified in the Frazier Park-Lebec Specific Plan (see Appendix M-1). Furthermore, with the improvements the Project is obligated to make to the Lebec, Fort Tejon, and Frazier Mountain Park interchanges, and the Frazier Mountain Park and Lebec/Peace Valley Road intersection, no significant impacts remain after implementation of these mitigation measures for scenarios in which other projects are not constructed and thus do not contribute to cumulative mitigation measures. With the construction of other cumulative projects, the fair share contribution of those projects in conjunction of the fair
share contributions of the project, will result in no significant adverse impacts to cumulative intersection impacts after implementation of required Mitigation Measures. (See Appendix M-1)

The results show that all intersections in the Lebec interchange and Fort Tejon interchange areas would meet applicable LOS standards. Three intersections in the Frazier Mountain Park Road area would not meet applicable standards in 2030 in both the without-project and with-project scenarios: Lebec Road and Frazier Mountain Park Road, the intersection of the southbound off-ramps and Frazier Mountain Park Road, and the intersection of the northbound ramps and Frazier Mountain Park Road. The intersections of Frazier Mountain Park Road and Lebec/Peace Valley Road and the northbound ramps and Frazier Mountain Park Road would fail to meet applicable LOS standards during the AM and PM peak periods in both the 2030 without-project and in the 2030 with-project scenarios. The southbound off-ramps and Frazier Mountain Park Road intersection would fail to meet the applicable LOS C standard during the PM peak period in 2030 with and without the project. Assuming full-time occupancy of each residential unit, the project would contribute to a cumulative local intersection impact at these locations after approximately 1,400 units were occupied (see Appendix M-1). If project occupancy is less than full-time on average, the projected cumulative intersection impacts would occur at a later point in the project’s build out or at a reduced level.

Page 4.15-53 to 4.15-56

In response to comments, the Project now proposes to finance (or, if new projects are approved in the Frazier Park/Lebec Specific Plan area in 2009 or beyond, the Project will pay its fair share for) several of the improvements shown above. Additionally, if new projects are approved in the Frazier Park/Lebec Specific Plan area in 2009 or beyond, the Project will also pay its fair share to complete the signalization of the intersection of Lebec Road/Peace Valley Road and Frazier Mountain Park.

As shown in Table 4.15-15, all identified 2030 cumulative impacts to the Frazier Mountain Park Road intersections would be mitigated to below significant levels with the implementation of the mitigation measures identified in the Frazier Park-Lebec Specific Plan. Table 4.15-15 was also revised in response to comments to add a new section to the summary Table, such that it now includes both the 2030 Conditions with-Project (Roundabout Scenario) as well as a new 2030 Conditions with-Project (Signal Scenario), to evaluate both roundabouts and signalized intersections as requested. Additionally, the peak hour factor used for calculating delay and LOS was adjusted from 0.92 to 0.88, which resulted in increased delay values. Some LOS levels also decreased, but applicable LOS levels were maintained with the implementation of the planned improvements identified in Section 4.15.4.
### Table 4.15-15. Potential Cumulative Intersection Impacts

<table>
<thead>
<tr>
<th>Lebec Interchange Area</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td><strong>2030 Conditions Without Project</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. NB On-ramp &amp; Bear Trap Rd</td>
<td>8.7</td>
<td>A</td>
</tr>
<tr>
<td>2. Lebec Rd &amp; SB Off-Ramp</td>
<td>10.14</td>
<td>B</td>
</tr>
<tr>
<td>3. Lebec Rd &amp; Meadow rd</td>
<td>9.79</td>
<td>A</td>
</tr>
<tr>
<td>4. I-5 SB Ramps &amp; Meadow Rd (Overcrossing)</td>
<td>8.81</td>
<td>A</td>
</tr>
<tr>
<td>5. Bear Trap Rd &amp; Crane Canyon Rd</td>
<td>8.28</td>
<td>A</td>
</tr>
<tr>
<td>6. Bear Trap Rd &amp; Meadow Rd</td>
<td>9.1</td>
<td>A</td>
</tr>
<tr>
<td>7. Meadow Rd &amp; I-5 NB Off-Ramp</td>
<td>10.6</td>
<td>B</td>
</tr>
</tbody>
</table>

| **2030 Conditions With Project (Signal Scenario)** |       |     |       |     |
| 2. Lebec Rd & SB Off/On-Ramps | 21.8  | C   | 24.3  | C   |
| 3. Lebec Rd & Meadow Rd (Overcrossing) | 8.6    | A   | 10.7  | B   |
| 5. Lake Drive & Crane Canyon Rd | 16.1   | B   | 22.7  | C   |
| 8. Lake Dr & Grapevine Loop “D” | 13.1   | B   | 21.4  | C   |
| 9. Lake Dr & Crane Cyn “B” | 14.1   | C   | 17.7  | C   |
| 18. Lake Drive & NB Off/On-Ramps | 19.6   | C   | 21.9  | C   |
| 19. Lake Dr & “A” St | 3.1    | A   | 14.9  | B   |
| 21. “A” St & Lake Dr | 19.8   | C   | 33.7  | D   |

| **2030 Conditions With Project (Roundabout Scenario)** |       |     |       |     |
| 2. Lebec Rd & SB Off/On-Ramps | 6.46   | A   | 8.310 | 8.8 AB |
| 3. Lebec Rd & Meadow Rd (Overcrossing) | 7.17   | A   | 8.28  | A   |
| 5. Lake Drive & Crane Canyon Rd | 8.29   | A   | 47.250 | B D |
| 8. Lake Dr & Grapevine Loop “D” | 12.71  | B   | 49.321 | 4.4 C |
| 9. Lake Dr & Crane Cyn “B” | 13.614 | B   | 46.817 | 7.7 C |
| 18. Lake Drive & NB Off/On-Ramps | 10.512 | B   | 45.633 | 4.3 C |
| 19. Lake Dr & “A” St | 5.96   | A   | 8.410 | A   |
| 21. “A” St & Lake Dr | 19.419 | C   | 3333.7 | D   |

### Frazier Mountain Park Road Area

| No Project 2030 Conditions |       |     |       |     |
| 13. Lebec Rd & Frazier Mountain Park Rd | 80.599 | F   | 458.9184 | F   |
| 14. I-5 SB On-Ramp & Frazier Mountain Park Rd | 0.38  | A   | 0.180  | A   |
| 15. I-5 SB Off-Ramps & Frazier Mountain Park | 4515.9 | B C | 27.833 | D   |
### AM Peak Hour

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<td>Lebec Rd &amp; Frazier Mountain Park Rd</td>
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### With Project 2030 Conditions With Regional Frazier Park-Lebec Specific Plan Improvements

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<tr>
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### Ft. Tejon Interchange Area

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<td>Lebec Rd (at Fort Tejon) &amp; NB Off/On-Ramps</td>
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<tr>
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### With Project 2030 Conditions

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<td>Lebec Rd (at Fort Tejon) &amp; NB Off/On-Ramps</td>
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<tr>
<td>Rockford Rd &amp; SB Off/On-Ramps</td>
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With project results include Stage 1 and potential Stage 1b and Stage 2 improvements to the Lebec Interchange as required to serve project traffic.

For HCM non-signalized analysis, the delay and LOS apply to the intersection leg under stop control. If there is more than one intersection leg under stop control then the leg with the highest delay is reported.

Delay – Average delay experienced per vehicle in seconds.

Intersections locations are identified in Figure 4.15-4 (existing) and in Figure 4.15-6 (future with project). Intersections 1, 4, 6, and 7 do not exist in the With-Project scenario.

The analysis shows that the project’s cumulative impacts to freeway ramps would be less than significant except as identified above. Significant cumulative impacts would occur to the intersection of Frazier Mountain Park Road and Lebec Road, the Interstate 5 southbound ramps,
and the Interstate 5 northbound ramps. Significant cumulative impacts would also occur to approximately 22 freeway segments to the south of the site in the future conditions plus project scenario, and to approximately ten additional freeway segments adjacent to or north of the site in the future conditions plus project scenario with San Emidio. The implementation of project traffic improvements proposed by the applicant and described in Section 4.15.4, Mitigation Measures 4.15-11, and 4.15-12, in combination with the construction of the planned truck and HOV lanes along Interstate 5, would mitigate all of the project’s potential cumulative impacts to local intersections and freeway segments except at four freeway segments to the north of the project under future conditions that include full buildout traffic from San Emidio.

Implementation of Mitigation Measures 4.15-10 and 4.15-11 and The completion of planned truck and HOV lanes in the Santa Clarita area would require regional planning, funding and construction activities, which have not been completed. It is possible that one or all of these planned roadway system improvements may not be implemented or may be only partially implemented in the future. Until roadway improvements proposed by the applicant in Section 4.15.4, Mitigation Measures 4.15-19 and 4.15-011 and the planned truck and HOV lanes in the Santa Clarita area are implemented, cumulative impacts on roadway segments along Interstate 5 and at the intersections of Frazier Mountain Park and Lebec Road, the Interstate 5 northbound ramps, and the Interstate 5 southbound off-ramps could occur. Cumulative impacts could also occur at four segments to the north of the site under future conditions that include full-buildout traffic from San Emidio. Due to uncertainty regarding the future implementation of Mitigation Measures 4.15-10 and 4.15-11, the completion of the planned truck and HOV lanes in the Santa Clarita area, and the extent to which potential impacts to the four freeway segments along State Route 99 and Interstate 5 could occur, these cumulative impacts would be significant and unavoidable.

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Mitigation Measures

Mitigation Measure 4.15-10: The project shall participate in the State Route 58 improvements by contributing its fair share of the total State Route 58 improvement cost. Funding for the project’s fair share of the State Route 58 diversion project shall be provided in accordance with the requirements of the Payment of Supplemental Road Improvement Mitigation Measure (Mitigation Measure 4.15-16). If the State Route 58 improvements are not initiated by 2017 or completed by 2030, any funds advanced by the project may be allocated toward alternative mitigation projects or reimbursed to the project as agreed by the Kern County Roads Department.

Mitigation Measure 4.15-11: The project shall participate in the improvements on a fair-share basis to the intersection of Frazier Park Mountain Road and Lebec Road, Frazier Mountain Park Road and the northbound Interstate 5 ramps, and the intersection of the southbound off-ramps and Frazier Mountain Park Road to achieve applicable Level of Service standards under future plus project cumulative conditions. Funding for the project’s fair share of these intersection improvements shall be in accordance with the requirements of the Payment of Supplemental Road Improvement Mitigation Measure (Mitigation Measure 4.15-16).

Mitigation Measure 4.15-12: Prior to the issuance of the 1,401st certificate of occupancy, or final approval of any Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the project shall conduct an appropriate traffic study to determine if actual project trip generation and southbound Interstate 5 distribution levels are...
consistent with the assumptions used to identify cumulative impacts along the Interstate 5 segments identified in this EIR. The study shall be submitted to the Kern County Roads Department for review and approval. The Roads Department, in consultation with the California Department of Transportation applicable districts, shall make the final determination as to the necessity for the improvements to County roadways. If project-related cumulative impacts are verified by the study, the project homeowners association, property owners association, or similar entity shall implement a TDM program, including a carpool program, a van pool program, regional shuttle coordination, a telecommuting center, or a park and ride lot, as appropriate, to reduce the project-related traffic along the Interstate 5 corridor. If the study concludes that no project-related cumulative impacts are occurring, the study shall consider and recommend, as appropriate, the timing and extent of additional studies, if any, that may be necessary to evaluate the need for the implementation of the TDM program to address the potential project-related cumulative impacts.

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Mitigation Measure 4.15-74 would require the use of onsite safety personnel, public information outreach programs, appropriate signage, limitations on peak-period roadway use, the notification of project contractors regarding weight load limits on roads to and from the site, and designating access routes for use by contractors and material delivery trucks along roads that can accommodate heavy vehicles.

Page 4.15-58

Mitigation Measure 4.15–113: All project circulation elements, including onsite public and private roadways and driveways, will be designed and constructed in compliance with the goals, policies, and design criteria described in the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256. See also, Mitigation Measure 4.15-6, which requires compliance with applicable roadway standards and approval conditions.

Page 4.15-59

Mitigation Measure 4.15-124: The project shall implement the emergency access design requirements set forth in Tejon Mountain Village Specific Plan, the Tejon Mountain Village Master Design Guidelines, the Tejon Mountain Village Special Plan No. 1, Map 256, and the Tejon Mountain Village Specific Plan Evacuation Plan.

Page 4.15-60

Mitigation Measure 4.15-135: The project shall provide sufficient parking for commercial, recreational, and multi-family land uses as required by the applicable provisions of the Kern County Zoning Code, the Tejon Mountain Village Special Plan No. 1, Map 256, and the custom lot parking requirements identified in the Tejon Mountain Village Master Design Guidelines.

Page 4.15-61 to 4.15-62

In response to comments, the project proposed to fully fund two substantial interchange improvement projects within the immediate Project vicinity, at Lebec Road and Fort Tejon, as described in Section 4.15.4. Additionally, the Project has proposed to either fully fund major
improvements to a third interchange (the conversion of the northbound off-ramp intersection of the Frazier Mountain Park Road interchange), or if other projects are approved in the Frazier Park/Lebec Specific Plan area, to fund a fair share of designated Frazier Mountain Park interchange improvements.

Also in response to comments, these expanded interchange improvements (with new or expanded interchange improvements required for three interchanges, as contrasted with the single interchange included the Draft EIR), along with other project Mitigation Measures such as monitoring and implementation of a TDM program, have been determined to be more effective, and more appropriate under CEQA, than the SR-58 mitigation fee arrangement identified in Mitigation Measure 4.15-10 of the Draft EIR. This approach has resulted in a more substantial mitigation obligation for the project in relation to the mitigation obligations set forth in the Draft EIR. These revised project mitigation requirements also result in the implementation of fully-funded improvements to assure the safe and efficient flow of traffic on three I-5 interchanges, thereby improving corresponding segments of this regional transportation facility and reducing the potential for adversely affecting congestion or traffic queue formation on I-5 north or south of these interchanges. These revised and expanded roadway improvements do not change the EIR conclusion that impacts to regional roadways remain significant and unavoidable on a Project-specific and cumulative level, but these revised and expanded improvements do result in incremental improvements to the regional roadway network segments and system, in relation to original Mitigation Measure 5.15-10.

Further mitigation of these regional roadway network improvements is not feasible at a project EIR level. The State of California's 2006 Strategic Growth Plan identifies a major gap between transportation funding needs and available transportation funding. Both population growth and vehicular utilization now exceed that rate of funding provided by taxes on gasoline, and this trend has been exacerbated by overall increases in transportation improvement costs (e.g., asphalt, cement and steel) and more fuel-efficient vehicles which result in more miles driven in relation to gasoline taxes paid.

Transportation funding from other revenue sources has also been substantially reduced in relation to prior years, with an overall trend of declining allocations for roadway maintenance and improvements from the state to local governments. While some federal funding has been provided (e.g., 2005 legislation that included $630 million for highway improvements in the metropolitan Bakersfield area, or 2009 stimulus funding that included transportation improvements), these funding sources have been both uncertain and insufficient to fully fund either regional highway maintenance or improvement projects.

Finally, local tax revenues are also not sufficient for such projects. California has authorized counties to impose, with voter approval, a sales tax to help fund the operation, maintenance and construction of transportation projects. Such local funding could also be used to increase the potential for obtaining matching state and federal funding. Kern County voters declined to approve such a 0.5% sales tax in both 1989 and 2006. While such a measure can be placed on future ballots, for purposes of this EIR analysis it is assumed that such local funding is not available.

Kern County has committed foreseeable funding sources to local and regional traffic improvements, and no funding is available for highway impacts caused by the Project on a project-specific or cumulative level. Kern County, as the lead agency for the Project, also has no authority to compel any other agency (e.g., Caltrans or Los Angeles County) to fund
improvements to the regional transportation system that are impacted at a project-specific or cumulative level. Current and projected demands on regional traffic needs are not likely to be funded based on the unavailability and uncertainty of federal, state and local funding. The Project, if approved, would add additional traffic volumes to regional roadways leading to continued significant impacts in the project area. While funding sources continue to be identified and implemented, the timing of completion of regional transportation improvements cannot be assured. Thus, while all feasible and reasonable mitigation has been imposed, the completion of the regional network depends on factors that are outside the control of the lead agency as described above. Accordingly, cumulative impacts from reasonable and foreseeable projects, in combination with the proposed project, remain significant and unavoidable. All mitigation measures identified above shall be implemented. No additional mitigation measures have been identified to reduce Project-specific and cumulative impacts to regional roadways a less-than-significant level, and impacts remain significant and unavoidable on a cumulative and Project-specific basis.

As discussed in Impact 4.15-2, the project’s cumulative impacts to freeway ramps would be less than significant. The implementation of Mitigation Measures 4.15-10, 4.15-11, and 4.15-12, in combination with the construction of the planned truck and HOV along Interstate 5, would reduce the project’s potential cumulative impacts to local intersections and roadways to less-than-significant levels, except at four freeway segments to the north of the project under cumulative conditions that include full buildout traffic from San Emidio. Due to uncertainty regarding the future implementation of Mitigation Measures 4.15-10 and 4.15-11, the completion of the planned truck and HOV lanes in the Santa Clarita area, and potential impacts to the four freeway segments along State Route 99 and Interstate 5, cumulative impacts would be significant and unavoidable.

Mitigation Measures


Mitigation Measure 4.15-16 (Payment of Supplemental Road Improvements): Prior to the recording of the first tract map or parcel map, or the approval of the first Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, the applicant shall provide to the County a written statement of intent, which will detail the approach used to satisfy obligations for supplemental road improvements detailed in transportation and traffic Mitigation Measures 4.15-11 and 4.15-12. The applicant may request that the statement of intent be amended to reflect future conditions, including the potential fair share allocation of costs associated with other transportation and traffic mitigation measures in this EIR prior to the recording of any subsequent tract map or parcel map, or approval of a subsequent Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256. The initial written statement of intent and method proposed, and any subsequent amendments that may be requested by the applicant, will be approved by the Kern County Roads Department. The applicant shall have four approaches to fulfill the road improvement responsibilities:

a. Lump Sum Payment: Any lump sum payment shall be made prior to the recording of a tract map or parcel map, or approval of a Commercial Site Development Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256, that generates an impact as detailed in transportation and traffic Mitigation Measures 4.15-11 and 4.15-12. All monies shall be paid to the Kern County Roads Department. At the time the applicant elects to pay, the Kern County Roads Department shall conduct a review of the
distributed share amount and make adjustments, if required, based on increases to the
construction cost index, other changes in standards or technology for required
signalization or improvements, or updated development projects or proposals.

Final determination of the supplemental projects and amounts of the supplement funding
will be based on the final approval of the Tejon Mountain Village Specific Plan
designation and zoning. The Kern County Roads Department may request, at a cost to be
borne by the applicant, a supplemental traffic analysis to determine the current lump sum
payment.

b—Construction of Road Improvements: If, in an approved summary of intent, the applicant
seeks to construct road improvements in lieu of a lump sum payment, the improvements
shall be constructed and accepted by the County prior to issuance of the Certificate of
Occupancy for the related building permits as detailed in transportation and traffic
Mitigation Measures 4.15-11 and 4.15-12. Deviations from this sequence of events may
be approved by the Kern County Roads Department.

c—Combination of Approach A and Approach B: The applicant may choose to provide
construction for certain roadway improvements and payment for other improvements.
This approach must be determined in consultation with the Kern County Roads
Department. All monies designed for roadway improvements shall be paid prior to the
recordation of a tract map or parcel map, or approval of a Commercial Site Development
Plan, as defined in the Tejon Mountain Village Special Plan No. 1, Map 256 that
generates an impact as detailed in transportation and traffic Mitigation Measures 4.15-11
and 4.15-12.

d—After determination of fair share lump sum, the cost may be allocated on a per house
basis payable prior to the issuance of applicable Certificates of Occupancy. This method
requires prior approval of the Kern County Roads Department.
Table 4.16-4: TCWD Average-Year Supply and Demand Analysis (acre-feet)

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
</tr>
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<tbody>
<tr>
<td><strong>Recycled Water</strong></td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
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<tr>
<td><strong>State Water Project</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Supplies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled Water</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Water Project A</td>
<td>3,325</td>
<td>3,365</td>
<td>3,404</td>
<td>3,444</td>
<td>3,483</td>
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<tr>
<td><strong>Subtotal Supplies</strong></td>
<td>4,483</td>
<td>4,523</td>
<td>4,562</td>
<td>4,602</td>
<td>4,641</td>
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<tr>
<td><strong>Demands</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Industrial</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
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<tr>
<td>Complex Service Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>2,900</td>
<td>2,900</td>
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<td>2,900</td>
<td>2,900</td>
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<tr>
<td>Service Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other District</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Operations</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td><strong>Total TCWD Demands</strong></td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
<td>4,210</td>
<td>4,102</td>
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<tr>
<td><strong>Water Banking Surplus</strong></td>
<td>381</td>
<td>421</td>
<td>460</td>
<td>500</td>
<td>539</td>
</tr>
</tbody>
</table>

Source: TCWD, Water Supply Assessment, Appendix N-1.

Mitigation Measure 4.16-10: The project shall implement, to the extent feasible, the applicable waste-diversion and recycling measures identified by the Kern County Waste Management's Department and the Sustainability Plan to reduce the project's long-term solid waste generation. In addition, the project shall provide funding on a fair-share basis to defray the costs incurred by the Kern County Waste Management Department (KCWMD) in constructing a trans-load facility designed to offset increased waste demand at the Lebec Transfer Facility. The project’s fair-share costs are estimated to be $560,407 based on the Nexus study provided by KCWMD. Prior to the issuance of any building permit, for the following land use development units, the project proponent shall pay the following project fair share costs (commercial support facilities are excluded):

- **a. Residential Unit**: $129 per dwelling unit.
- **b. Commercial**: $129 per 1,000 square feet of commercial development.
- **c. Hotel**: $129 per room.

Required fees are subject to the most current Consumer Price Index (CPI) as determined by the County Administrative Office. Prior to the issuance of the building permit for the 501st land use development unit, and at such time that KCWMD has indicated in writing that the Department has the remaining funds and necessary land use approval to construct the trans-load facility, the project proponent shall pay the remaining $495,907.
If at the building permit for the 501st land use development unit or thereafter, KCWMD does not have the necessary funds and or land use approval in place for construction of the trans-load facility, the County will continue to collect fair share costs at the building permit stage. The project proponent will not be required to pay any remaining fees until such time as indicated by the KCWMD. Once KCWMD has indicated in writing that the remaining fees are due and the amount, no building permits shall be issued for the project until the requested fees are paid in full.

Upon payment of the $495,907 (or remaining fees as indicated by KCWMD), the County will continue to collect the required fair share costs and shall reimburse the project proponent annually for any trans-load facility payments collected during the course of the year, until such time as the project has been completely built. If these improvements are not implemented, upon mutual agreement of the County and the Developer, fees can be used for recycling programs or other waste reduction measures.

Chapter 6

A further alternative was evaluated in response to comments: Alternative F, California Critical Habitat Avoidance Alternative. The new alternative, consisting of Text and a Figure, follows:

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**Alternative F: Condor Habitat Avoidance Alternative**

Alternative F would locate the proposed project in approximately 5,082 acres in the western portion of the site, as well as a small portion of the northeastern portion of the site (see Figure 6.7). This Alternative would avoid all designated critical habitat for the California condor. The boundaries of this critical habitat area were established based on section lines, rather than habitat values or other biological factors. Alternative F would involve a reduction in development yield from the proposed project. Under this Alternative, 3,000 dwelling units; 160,000 square feet of commercial space, spa and resort facilities; one 18-hole golf course; 250 hotel rooms; and up to 350,000 square feet of support facilities, would occur within the approximately 5,082-acre development envelope. Approximately 21,370 acres of the site would remain undeveloped throughout the central and northern portion of the project site.

**Comparison of Significant Unavoidable and Other Environmental Impacts**

**Aesthetics/Light and Glare**

The proposed project’s visual impacts to the Interstate 5 corridor are primarily related to development of up to 160,000 square feet of commercial uses adjacent to the Interstate 5 corridor. Alternative F would include the same amount of commercial development as the proposed project. However, much more development would occur in this I-5 corridor viewshed, as almost all
development would be concentrated in the western portion of the project site. Additional residential and other project facilities would be located in areas visible from the freeway. The Condor Habitat Avoidance Alternative would result in a greater level of visual impacts from both commercial and residential development, as well as from other facilities. More development would be visible from I-5, and the character and density of the development would more noticeably contrast with existing visual qualities in this area. This alternative would require a greater utilization of manufactured slopes and grouping of residential units and other uses in higher densities in a manner contrasting with the existing land use pattern and limited landform modification associated with the surrounding area. As a result, Alternative F would increase impacts to the visual quality of the Interstate 5 corridor.

Light and glare impacts are related to the overall volume of development. Alternative F would involve slightly less development (i.e., 450 less dwelling units and 500 less hotel rooms) than the proposed project and, therefore, would generate fewer light sources. However, development would be concentrated in a smaller portion of the project site, in particular along I-5, which is already severely impacted with existing light sources. As an example, higher building densities would require an increased number of street lights in support of public safety requirements. Because of the concentration of development in the western portion of the project site under Alternative F, nighttime conditions in the Lockwood Valley, Mt. Pinos and other western locations, could be more significantly affected.

Air Quality (Criteria Air Pollutant Emissions)

Alternative F would result in the same amount of commercial development as the proposed project, and approximately 450 fewer dwelling units than the proposed project (3,000 versus 3,450). Internal trip lengths would be slightly reduced, resulting in slightly decreased ROG, NO$_x$, and PM$_{10}$ emissions for these shorter internal project trips. Emission levels for overall trips would be reduced as a result of the reduction in dwelling units compared to the proposed project. The Condor Habitat Avoidance Alternative would place project residents and visitors in closer proximity to I-5, where air quality impacts from freeway traffic occur.

Air Quality (Greenhouse Gas Emissions)

The level of GHG emissions is primarily related to the extent of development within the site and related construction, automobile use and other operational activities. Alternative F would result in the same amount of commercial development as the proposed project, and approximately 450 fewer dwelling units than the proposed project. Internal trips from some of the project residences to onsite commercial areas and recreational amenities would be shorter due to the concentration of development compared with the proposed project. GHG emission levels for external trips would be reduced as a result of the reduction in dwelling units compared to the proposed project.
Biological Resources

The Condor Habitat Avoidance Alternative would concentrate development in the western portion of the project site and, therefore, would avoid direct impacts to designated critical condor habitat. However, even if the proposed project limited its development to areas outside the designated critical condor habitat area, given the fact that the California condor foraging range is not simply limited to a designated space, indirect impacts as a result of lead poisoning, microtrash and habituation may still result. In addition to site specific development, The California condor is at risk due to factors such as lead ammunition (now banned at Tejon Ranch) and access to adequate and safe food supplies (including supervised feeding programs as well as carcasses from grazing and hunting operations). Habitat loss is not a primary risk factor for the California condor, and is not identified as an adverse impact in the Environmental Impact Statement (EIS) prepared by the US Fish and Wildlife Service (FWS) for the proposed Tehachapi Uplands Multiple Species Habitat Conservation Plan, as further discussed in Section 4.4, "Biological Resources" and other condor-related technical reports and responses in the EIR. Implementation of the proposed alternative would still result in the incorporation of mitigation measures identified in the FEIR to offset indirect impacts associated with the construction of 3,450 residential units, 160,000 square feet of commercial development and up to 750 hotel rooms in the vicinity of the critical habitat area. However, based on the evaluation of California condor project impacts, when considering the mitigation measures proposed, avoidance of designated critical habitat would not necessarily result in a less significant impact than the proposed project. Additional foraging habitat would remain undeveloped under this Alternative in relation to the proposed alternative, and more land would remain available for hunting and grazing (and carcasses) under this alternative, but these benefits are considered minor in relation to the amount of high value California condor foraging habitat preserved with the proposed project.

Concentrated development in this portion of the site would, potentially adversely affect other biological values and resources. For example, a concentrated development approach would reduce wildlife porosity and increase impacts to regional wildlife connectivity in comparison with the proposed project. This Alternative also includes significant development densities in and near Castac Lake, resulting in adverse impacts to some of the biological values relating to the lake such as Bald and Golden Eagle habitat suitability and utilization. In addition, this Alternative would impact most of the approximately 75 acres of Army Corps of Engineers jurisdictional wetlands around Castac Lake that would be avoided under the proposed Project.

On balance, while avoiding critical habitat along the designated critical habitat boundary seems to reduce direct impacts to the California condor, this alternative would still result in significant cumulative indirect impacts given the foraging range of the species. Additionally, there is a potential that implementation of this alternative could adversely impact several other biological values more than the proposed project.
Hazards (Wildlife)

The risk of human encounters with wildlife is primarily related to the number of people that would reside in or visit the site due to development, recreation and related activities. Alternative F would result in the same amount of commercial development as the proposed project, and approximately 450 fewer dwelling units than the proposed project. The risk of encounters with wildlife could be reduced in Alternative F as a result of fewer people residing on the project site, and because residents and visitors would be located within a smaller portion of the site and potentially be less likely to travel to more remote areas where larger wildlife could be more common. As a result, Alternative F would reduce the risk of encounters with wildlife, but would also create a larger exclusion zone for wildlife as with the Urban Footprint alternative.

Noise

Noise impacts are primarily related to the level of development and the resulting increase in traffic that would lead to project and cumulative noise impacts along roadways and in currently unoccupied portions of the site. Alternative F would generate approximately the same level of commercial development within the project site. However, residential development would be reduced by approximately 450 dwelling units. Noise generation sources would be concentrated in the western corner of the site, and would increase offsite noise in that vicinity. Residential development would also occur closer to Interstate 5 than under the proposed project, and noise mitigation would be required for this existing major noise source in the project area. Noise mitigation measures would include walls and berms, as well as noise-resistant building standards. The walls and berms would reduce the amount of land available for open space and development uses, but could also create barriers to wildlife movement. Noise impacts would be reduced or avoided in other areas that would be subject to development in the proposed project. Overall, Alternative F would reduce impacts related to noise in avoided areas and increase impacts in developed areas.

Population and Housing

Population and housing impacts are directly related to the level of development and the resulting increase in residents and induced growth that would occur with and in the region surrounding the proposed project site. Alternative F would result in the same level of commercial development within the project site. Because residential development would be decreased by approximately 450 dwelling units, Alternative F would result in reduced population and induced growth impacts relative to the proposed project.

Transportation and Traffic

Alternative F would result in the same amount of commercial development as the proposed project. However, because Alternative F would result in approximately 450 fewer dwelling units, it would generate fewer external trips at full buildout.
Because it includes fewer residential units, Alternative F would result in less cumulative traffic impacts than the proposed project.

**Other Impacts**

Impacts related to the total level of development, including local and regional traffic, public services, utilities and service systems, would be similar to the proposed project. Development would be concentrated in the western portion of the project site, where aquatic resources, such as wetlands and larger drainages to Castac Lake occur, and these resources would not be avoided to the extent of the proposed project due to the development density of Alternative F. As a result, impacts to onsite water quality and hydrology, aquatic resources and habitats, plant and animal species, cultural resources and geologic conditions, would be greater within the development area of Alternative F and lower in the avoided areas of the project site.

Almost all developed, impervious land would be located within the Castac Valley watershed that infiltrates groundwater into the regional aquifer used by communities to the west. The concentration of development in this basin could reduce groundwater recharge rates or adversely affect groundwater quality in the regional aquifer. Additionally, with a smaller footprint and higher density, stormwater runoff volumes would require extensive detention and retention facilities to avoid adverse hydromodification impacts. These stormwater facilities would further reduce open space and development areas within the project footprint, reducing probable development yields. Flood risks could also increase in Grapevine Canyon due to the greater extent of upstream impervious surface that would be constructed in Alternative F.

Finally, cultural resource sites that are avoided by the project could be impacted by this alternative, given the reduced project area. Cultural resources would be a new significant adverse impact under this alternative.

**Conclusion**

**Avoid or Substantially Lessen Project Impacts**

Because Alternative F includes approximately 13% fewer residential units, this Alternative would reduce the project’s criteria air quality and GHG emissions, population and housing impacts, and transportation impacts. Because this Alternative also concentrates development, it will also likely have a lower risk of human encounters with wildlife. In general, impacts within the developed portion of Alternative F would be increased due to the greater density and reduced resource avoidance of development within this area. Impacts in areas that would be subject to development in the proposed project and avoided by Alternative F would be reduced.
Attainment of Applicant Project Objectives

The Condor Habitat Avoidance Alternative would allow for the achievement of some of the project’s objectives, but the development of a higher density community along Interstate 5 would defeat the overall project purpose of developing a mountain resort with very low density, and very high wildlife porosity and utilization with correspondingly high habitat and environmental values. Alternative F would generally not allow for the preservation of the ranching and natural heritage within the developed area of the site. Due to increased density, the Condor Habitat Avoidance Alternative could not avoid certain sensitive habitats, such as wetlands and waters and Castac Lake, to the same extent as the proposed project. The potentially greater level of impacts to these sensitive resources could increase the complexity, cost and permitting risks associated with the implementation of Alternative F.

Concentrating development in the western corner of the site could generate construction and infrastructure cost savings. The project’s residential units, however, would generally offer significantly less privacy and be located much closer to major project infrastructure, and to Interstate 5, than in the proposed project. This would also introduce a density of urban-style development that is inconsistent with the land use pattern typical of the Mountain Communities. Although implementation of the proposed alternative is generally in conformance with the executed Ranchwide Agreement, this alternative proposes development in areas that have been identified for conservation. Additionally, there is a possibility that a more concentrated type of development could lower development revenue associated with residential unit sale prices. As such, implementation of the alternative could have an impact on the project’s ability to fund the identified Tejon Ranch Conservancy because the residential unit sales prices are the primary funding source. Given this proposed change to the development envelope area, Alternative F may require the Ranchwide Agreement to be amended, in accordance with the Agreement's terms and conditions, which would require mutual written consent of all parties.

Comparative Merits

Alternative F would not reduce the project’s potential condor impacts, but would incrementally lower emissions of criteria pollutants and GHGs, risk of human encounters with wildlife, population and housing impacts, and transportation impacts based on an approximately 13% reduction in residential units. Aesthetic, land use compatibility, light and glare, wetlands, and cultural resources impacts, would all increase based on the higher density development pattern. Noise and other impacts related to development intensity would increase within the development area of Alternative F and be reduced in other parts of the site where development would not occur.
Additionally, the following text and Tables in Chapter 6 are modified as noted below based on Alternative F:
6.4.2 Alternatives Analyzed in this EIR

Section 15126.6(a) of the CEQA Guidelines states that an EIR “need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.” Consistent with the Guidelines, this Draft EIR evaluates five alternatives that could potentially avoid or substantially lessen any of the significant impacts of the proposed project and feasibly attain most of the project’s basic objectives, or that are required or prudent to consider under applicable law, or that would further public understanding and disclosure. This list includes one alternative, the Natural Park Alternative, which was suggested by commentors responding to the project NOP/IS.

The alternatives analyzed in this Draft EIR include the following:

- Alternative A: No-Project Alternative;
- Alternative B: Urban Footprint Alternative;
- Alternative C: Natural Park Alternative;
- Alternative D: Alternative Site Alternative; and
- Alternative E: Reduced Project/No Commercial Alternative.
- Alternative F: Condor Habitat Avoidance Alternative
### Table 6-2. Summary of Development Alternatives

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Description</th>
<th>Basis for Selection and Summary of Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Project</td>
<td>• Development footprint of 5,082 acres would be located within flexible 7,876-acre development envelope on 26,417-acre project site.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Up to 3,450 residences ranging in lot size; mix of housing types.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Up to 160,000 square feet of commercial development.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Hotel, spa, and resort facilities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Two golf courses.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Up to 350,000 square feet of facilities supporting a variety of uses.</td>
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</tr>
<tr>
<td></td>
<td>• Over 21,000 acres of ranchland and other undeveloped open space.</td>
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</tr>
<tr>
<td>ALTERNATIVES NOT INCLUDED IN THE ANALYSIS (INFORMATIONAL PURPOSES ONLY)</td>
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<td></td>
</tr>
<tr>
<td>Alternative 1 Existing General Plan Buildout</td>
<td>• Existing General Plan designations (1.1, 3.3, 4.3, 6.3, 8.3, 8.4, 8.5).</td>
<td>• Would increase level of development and most impacts.</td>
</tr>
<tr>
<td></td>
<td>• Up to 4,260 residential units.</td>
<td>• Would place more development in high-value California condor habitat.</td>
</tr>
<tr>
<td></td>
<td>• Up to 1,888,237 square feet of commercial development.</td>
<td>• Would not avoid other significant environmental impacts.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Would require revision of terms of Ranchwide Agreement to provide for different conservation and development areas than identified in the agreement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Would meet many project objectives but not to the extent of the proposed project.</td>
</tr>
<tr>
<td>Alternative 2 Specific Plan Required Buildout</td>
<td>• Existing General Plan designations (1.1, 3.3, 4.3, 6.3, 8.3, 8.4, 8.5).</td>
<td>• Would increase level of development and most impacts.</td>
</tr>
<tr>
<td></td>
<td>• Up to 3,986 residential units.</td>
<td>• Would place more development in high-value California condor habitat.</td>
</tr>
<tr>
<td></td>
<td>• Up to 1,331,847 square feet of commercial development.</td>
<td>• Would not avoid other significant environmental impacts.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Would require revision of terms of Ranchwide Agreement to provide for different conservation and development areas than identified in the agreement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Would meet many project objectives but not to the extent of the proposed project.</td>
</tr>
</tbody>
</table>
### ALTERNATIVE 3
**NOP Project**
- Approximately 5,086 acres of development would be located in a 28,253 acre site.
- Four golf courses.
- Facilities would be located directly adjacent to Castac Lake.
- Approximately 2,385 acres of residential lots would be located on the higher-elevation portions of Grapevine Peak.
- Up to 3,450 residences ranging in lot size; mix of housing types.
- Up to 160,000 square feet of commercial development.
- Hotel, spa, and resort facilities.

**Basis for Selection and Summary of Analysis**
- Would increase level of development and most impacts.
- Would place more development in high-value California condor habitat.
- Would increase impacts to wetlands, waters, and aquatic habitat.
- Would not avoid other significant environmental impacts.
- Generally would be consistent with Ranchwide Agreement.
- Would meet many project objectives but not to the extent of the proposed project.

### ALTERNATIVES INCLUDED IN THE ANALYSIS

#### Alternative A
**No Project**
- Existing General Plan designations (1.1, 3.3, 4.3, 6.3, 8.3, 8.4, 8.5) and Zoning designations (A, E[20]RS, CH/CH D, OS, RF) would remain.
- Existing environmental setting would be maintained.
- Existing land uses, including ranching, filming, and permit hunting programs, would continue within 26,417-acre site.

**Basis for Selection and Summary of Analysis**
- Required by CEQA.
- Would avoid need for amendments to General Plan, County code, and zoning ordinance.
- Would avoid most environmental impacts.
- Would not generate anticipated revenue from project area for conservation activities in Ranchwide Agreement and is not consistent with the allocation of conservation and development areas in the agreement.
- Would not meet most project objectives.

#### Alternative B
**Urban Footprint**
- Approximately 6,549 acres of development would be located in the southwestern corner of the site, resulting in denser, urban-style footprint.
- Approximately 19,868 acres of the site would remain undeveloped.

**Basis for Selection and Summary of Analysis**
- Would lessen some impacts, including cumulative impacts to the California condor.
- Would not avoid other significant environmental impacts and would increase aesthetic impacts to Interstate 5 corridor and light and glare impacts, particularly to areas west of the site.
- Would require revision to the terms of Ranchwide Agreement to provide for different conservation and development areas.
- Would meet some project objectives, but many are not achieved and is inconsistent with the design objectives for the proposed project.
<table>
<thead>
<tr>
<th>Alternative</th>
<th>Description</th>
<th>Basis for Selection and Summary of Analysis</th>
</tr>
</thead>
</table>
| Alternative C Natural Park | • Project area would be incorporated within an approximately 246,382-acre park.  
  • No commercial, residential, or recreational development would occur in project area.  
  • Park visitor facilities would be constructed within proposed project site. | • Would reduce or avoid most environmental impacts.  
  • Would require revision to the terms of Ranchwide Agreement to provide for different conservation and development areas not consistent with the allocation of conservation and development areas and anticipated conservation revenue generation in the Ranchwide Agreement.  
  • Would reduce regional tax base.  
  • Does not identify acquisition, improvement, or operations and management funding.  
  • Would not meet most project objectives. |
| Alternative D Alternative Site | • Proposed project would be located within approximately 10,000 acres within Tejon Ranch in the San Joaquin Valley and foothills northeast of the proposed site.  
  • Proposed project’s development yield would occur within an approximately 7,903-acre development envelope. | • Would reduce cumulative California condor impacts, upland habitat and species impacts, and impacts related to the location of development near the Frazier Park area.  
  • Would increase impacts to lowland and foothill habitats and species and impacts related to the location of development to the northeast of the site.  
  • Would require revision of terms of Ranchwide Agreement to provide for different conservation and development areas.  
  • Would meets some project objectives, but not to the degree of the proposed project. |
| Alternative E Reduced Project/No Commercial | • Proposed 160,000 square-foot mixed-use commercial development adjacent to Interstate 5 would be eliminated.  
  • Approximately 2,000 square feet of neighborhood-serving commercial development would be located in internal portions of the proposed project.  
  • Proposed residential and hotel uses that could be visible from Interstate 5 would be relocated to internal portions of the site. | • Would reduce visual impacts along Interstate 5 corridor.  
  • Would increase air quality, traffic, roadway noise, and offsite induced growth impacts due to increased external traffic to access offsite commercial services.  
  • Would meet most project objectives.  
  • Generally would be consistent with Ranchwide Agreement. |
## Alternative F

**Condor Habitat Avoidance**

- Approximately 5,082 acres of development would occur within the western portion of the site, as well as a small portion of the northeastern portion of the site.
- Proposed project's development yield would be 3,000 dwelling units; 160,000 square feet of commercial space, spa and resort facilities; one 18-hole golf course; 250 hotel rooms; and up to 350,000 square feet of support facilities.

### Basis for Selection and Summary of Analysis

- Would avoid critical California condor habitat.
- Would not necessarily reduce the project’s potential condor cumulative or indirect impacts, but would incrementally lower emissions of criteria pollutants and GHGs, risk of human encounters with wildlife, population and housing impacts, and transportation impacts.
- Aesthetic, land use compatibility, light and glare, wetlands, and cultural resources impacts, would all increase based on the higher density development pattern.
- Noise and other impacts related to development intensity would increase within the development area of Alternative F and be reduced in other parts of the site where development would not occur.
- Would meet some project objectives, but development of a higher density community along Interstate 5 would defeat the overall project purpose of developing a mountain resort with very low density, and very high wildlife porosity and utilization with correspondingly high habitat and environmental values.
- Would require revision to the terms of Ranchwide Agreement to provide for different conservation and development areas not consistent with the allocation of conservation and development areas and anticipated conservation revenue generation in the Ranchwide Agreement.

### Notes:

General Plan Land Use Designations:
- 1.1 - State and Federal Land
- 3.3 - Other Facilities (Special Uses)
- 4.3 - Specific Plan Required
- 6.3 - Highway Commercial
- 8.3 - Extensive Agriculture (minimum 20 acres)
- 8.3 - Extensive Agriculture (minimum 80 acres)
- 8.4 - Mineral Extraction

Zoning Classifications:
- A/A GH - Exclusive Agriculture/ Geologic Hazard Combining
- A(20) RS - Estate Residential (minimum 20 acres per unit)
- CH/CH D - Highway Commercial
- OS - Open Space
- RF – Recreation
6.6 Alternatives Analysis

This section discusses the alternatives to the project analyzed in this Draft EIR as required by CEQA, including:

- Alternative A: No-Project Alternative;
- Alternative B: Urban Footprint Alternative;
- Alternative C: Tejon Natural Park Alternative;
- Alternative D: Alternative Site Alternative; and
- Alternative E: Reduced Project/No Commercial Alternative.
- Alternative F: Condor Habitat Avoidance Alternative

Chapter 8

Page 8-2

California Department of Water Resources

Craig Trombley Trombly

Gwen Knittweis

Karen Jolson Joelson

Lincoln King

Figures

Fourteen figures were either revised or added in response to comments. These figures are included in Section 7.4, FIGURES, to this Chapter 7.

Figure 4.1-14, "Viewshed Relationship of Tejon Mountain Village to Fort Tejon." has been added.

Figure 4.4-4a, "Vegetation Map and Other Biological Resources on the Department of Water Resources Parcel" has been added.

Figure 4.4-4b, "Proposed Department of Water Resources Swap Site Area" has been added.
Figure 4.15-2, "Study Area" has been revised.

Figure 4.15-3, "LOS Classifications for Study Area Freeways" has been revised.

Figure 4.15-4, "Local Study Area" has been revised.

Figure 4.15-5a, "Proposed Ultimate I-5 Lebec Road Interchange Improvements, Roundabout Intersection" has been added.

Figure 4.15-5a1, "Proposed Ultimate I-5/Lebec Road Interchange Improvements, Conventional Intersection" has been added.

Figure 4.15-5a2, "Proposed Single Lane Freeway Exit" has been added. This Figure is Figure 504.2B from the Highway Design Manual, and is referenced in Response to Comment 8c-D.

Figure 4.15-5a3, "Proposed Lebec Interchange Improvements" has been revised.

Figure 4.15-5b, "Proposed I-5/Fort Tejon Road Interchange Auxiliary Lane Improvements" has been added.

Figure 4.15-5c, "Proposed I-5/Frazier Mountain Park Road Interchange Improvements" has been added.

Figure 4.15-6, "2030 With Project Peak Hour Volumes, Lebec Interchange Area" has been revised.

Figure 4.15-7, "Project Roadway Classifications and ADT Volumes" has been revised.

Appendices

Appendix E-1: Appendix G, Page 37

The project shall avoid and preserve 13,218 acres of oak-dominated habitat within open space and Special Management Areas, which will be managed by the Project Conservation Managers in compliance with the Oak Resource Management Plan included as Appendix G of the "Tejon Mountain Village Biological Resources Technical Report" (Appendix E-1). Oak tree preservation plans shall outline impact avoidance measures, and oak tree protection, preservation, and management guidelines for retained trees. Approval and enforcement of the criteria outlined in the oak tree preservation plans for custom lots will be the responsibility of Property Owner's Association. Contractors, consultants, TMV staff, and others who will be on site for any period of time prior to or during construction will receive education from the project biologist regarding preservation of oak trees.

Appendix F-4
A new appendix F-4, *Historic Resources Assessment for the Southern California Gas Company Complex, Lebec, California*, has been prepared and is attached to this Chapter 7 as Attachment E.

**Appendix H-10**

A new Appendix H-10, *Letter from Tejon Ranch Company to the U.S. Navy*, has been added. It is included as Attachment G to this Chapter 7.

**Appendix I-3**

A new Appendix I-3, *Letter from Tejon Ranch Company: TMV DEIR, Castac Lake Letters and Comments*, has been added. It is included as Attachment J to this Chapter 7.

**Appendix Ka-1**

A new Appendix Ka-1, *Tejon Mountain Village Workforce Housing Report*, has been added. It is included as Attachment K to this Chapter 7.

**Appendix M-1**

Revisions have been made to the *Tejon Mountain Village Traffic Study*. The revised study is included as Attachment L to this Chapter 7.

**Appendix N, Page 8**

The SWP is operated by the DWR. The DWR has contractually allocated the SWP’s maximum delivery capacity of 4.2 million AFY to each of the system’s 29 primary contractors, including KCWA. The SWP was designed to deliver a maximum of 4.2 million acre-feet per year. However, actual annual SWP deliveries depend on various operational constraints including, but not limited to, hydrological conditions and environmental restrictions. In any case, the available deliveries are distributed among the system’s 29 contractors according to contractual agreements. These allocations are commonly referred to as “Table A” allocations because they are described in Table A of the SWP contracts. KCWA has a maximum Table A allocation of 998,730 AFY, or approximately 25% of the SWP system’s total Table A allocation. As discussed in Section 3.1.2, the amount of water delivered to each SWP contractor may vary from the Table A allocations due to hydrological conditions, regulatory constraints, or other SWP operational factors.
# Appendix N, Page 24

## Table 11
TCWD Normal Year Water Supply and Demand Analysis

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recycled Water and SWP Supplies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Recycled Water</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
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<tr>
<td>SWP Table A (63% 2008, 66% in 2028 and interpolated for other years)</td>
<td>3,325</td>
<td>3,365</td>
<td>3,404</td>
<td>3,444</td>
<td>3,483</td>
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<tr>
<td>Article 21</td>
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<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lower Kern River</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Subtotal Supplies</strong></td>
<td>4,483</td>
<td>4,523</td>
<td>4,562</td>
<td>4,602</td>
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</tr>
<tr>
<td><strong>Demands</strong></td>
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</tr>
<tr>
<td>TIC Service Area</td>
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<td>Other District Operations</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
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<tr>
<td><strong>Total TCWD Demands</strong></td>
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<td>4,102</td>
<td>4,210</td>
<td>4,102</td>
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<tr>
<td><strong>Surplus/(Extraction)</strong></td>
<td>381</td>
<td>421</td>
<td>460</td>
<td>500</td>
<td>539</td>
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</tbody>
</table>
7.3 Errata to the Project Draft EIR

The following errata are provided for the text of the Tejon Mountain Village Draft EIR, including Appendices. Amended text is identified by page number. Clarifications and additions to the Draft EIR are shown with underlining and text removed from the Draft EIR is shown with strikethrough.

Page vi

D-2 VERA Analysis

Page vi

Appendices E-2 and E-3 were mis-labeled. They should be labeled as follows:

E-2 Jurisdictional Delineation Special Management Areas
E-3 Special Management Areas Jurisdictional Delineation

On June 1, 2009, the County sent out the following letter to all recipients of the Draft EIR clarifying this labeling issue:
June 1, 2009

ADDRESSEE LIST (See Distribution List)

RE: Additional Materials/Clarification: Draft Environmental Impact Report for the Tejon Mountain Village Project

Dear interested Party:

On May 27, 2009 the Kern County Planning Department mailed to you/your agency a copy of the Draft Environmental Impact Report for Tejon Mountain Village Project by TMV, LLC consisting of 3 CD’s.

In an effort to facilitate the public review of this project, Staff would like to take this opportunity to provide additional detail and clarification regarding the Draft EIR.

The Tejon Mountain Village Draft EIR consists of three (3) main components. The first is the Draft EIR and technical appendices. The second component is the proposed Tejon Mountain Village Specific and Community Plan. Finally, the third component is the proposed Tejon Mountain Village Special Plan, which is the implementation tool for implementation of the proposed Special Planning (SP) Zone District.

Draft EIR
The Table of Contents for the Draft EIR can be found on page 91 of the first CD labeled Draft Environmental Impact Report. Each section of this document has been hyperlinked to this table. The Draft EIR contains Staff’s analysis and copies of all the technical appendices utilized for development of the document.

Tejon Mountain Village Specific and Community Plan (Appendix B-1)
The Tejon Mountain Village project includes the development of a Specific and Community Plan for the project area. The purpose of a Specific and Community Plan is to ensure that any proposed future development of the site is consistent with the provisions of the Kern County General Plan. The Specific Plan identifies the goals and policies of the General Plan that are applicable to the Specific Plan area through the establishment of land use designations, circulation patterns, development policies and the definition of required infrastructure to support the proposed land uses. The Tejon Mountain Village Specific and Community Plan is Appendix B-1 of the Draft EIR.

Tejon Mountain Village Special Plan 1, Map 256 (Appendix D-1)
The Tejon Mountain Village project includes a change in zone classification to Special Planning (SP) District in accordance to Chapter 19.52 of the Kern County Zoning Ordinance. SP Zone Districts are implemented through the development of a Special Plan. In the case of the proposed project, this plan has been identified as Tejon Mountain Village Special Plan 1, Map 256. The purpose of the Special Planning (SP) District is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited by the standard provisions of the Kern County Zoning Ordinance. The SP District is designed to allow diversity in the relationship between buildings and open spaces so as to create unique, interesting physical environments that maximize usable open space, while at the same time to preserve the public health, safety, and welfare. The Tejon Mountain Village Special Plan 1, Map 256 is an Appendix to the previously identified Specific and Community Plan and is also located in Appendix B-1 of the Draft EIR.
Appendices G-1, G-2 and G-3
In addition, Appendices G-1, G-2 and G-3 of the Draft DIR, comprise the geotechnical reports and peer review comments associated with the project. Inadvertently some of the maps contained within Appendix G-1 were not incorporated into the CD's distributed for public review and comment. Further, Appendix G-2 was mistakenly labeled as Appendix B-2. Therefore in an effort to provide clarification, we are taking this opportunity to distribute the attached CD containing Appendices G-1, G-2 and G-3. Please be advised, the only difference between Appendix G-1 located on this CD and Appendix G-1 on your previous CD is that the maps have been incorporated into the document.

Appendices E-2 and E-3
The labeling of these two appendices is incorrect in the table of contents. Appendix E-2 is the Special Management Areas and Appendix E-3 is the Jurisdictional Delineation. The table of contents has these two appendices in reverse order.

The Draft EIR has been included on the Kern County Planning Department website at www.co.kern.ca.us/planning/ Click on Environmental Documents located on the left hand column of the page. The comment period for this project closes on July 13, 2009 at 5:00PML. If you have any questions regarding the proposed project or the Draft EIR, please feel free to contact me directly at (661) 862-8739 or email at murphyv@co.kern.ca.us

Sincerely,

Craig M. Murphy
Supervising Planner
Page 1-2

- Adoption of the proposed Tejon Mountain Village Specific Plan and Community Plan, including adoption of the Tejon Mountain Village Master Design Guidelines, Framework Resource Management Plan (also referred to as the Resource Management Plan), Fire Protection Plan, and Sustainability Plan as appendices to the Tejon Mountain Village Specific Plan;

Page 3-1

- up to three fire stations,

Page 3-10

- Framework Resource Management Plan (FRMP) (Appendix C) Appendix C includes Framework Resource Management Plan maps (which describe the biological resource data for the Project site) and a draft implementation matrix identifying the person or entity that would be responsible for implementing different categories of biological resource mitigation measures. The maps and matrix will be used, as appropriate, in a Resource Management Plan for the project. The Resource Management Plan will include a compilation of the biological resource mitigation measures required by the County (as lead agency under the California Environmental Quality Act) and by the resource agencies (including the US Fish and Wildlife Service, the US Army Corps of Engineers, the California Department of Fish and Game, and the Regional Water Quality Control Board). The Tejon Mountain Village Specific Plan and Community Plan includes a Framework Resource Management Plan (FRMP) that identifies comprehensive strategies for 1) habitat management, 2) sensitive species management, 3) flood plain management, 4) agricultural and ranching activities, 5) cultural resources management, 6) wildfire management, 7) public access guidelines, 8) environmental education, and 9) resource management plan implementation. The FRMP identifies areas that require special management considerations to avoid or reduce impacts on affected resources. An Oak Management section is included in the FRMP to preserve and enhance the conservation value of onsite oak tree resources. The FRMP includes a Water Quality Management section to protect onsite wetlands, waters, and water quality. The FRMP would be initially implemented by the project’s master developer and the Tejon Ranch Company. Over time, FRMP management responsibilities would be transferred to other entities, including designated Conservation Managers, as described in Appendix C of the FRMP, “Resource Management Plan Responsibility Matrix.” The responsible stewardship organizations identified in Appendix C of the FRMP would manage all portions of the site that are subject to a conservation easement or deed restriction. The Special Management Areas are depicted on Figure 3-6.

Page 3-12
The project proposes to amend the Circulation Element of the Kern County General Plan to delete all identified collector segments running through the project site. Figure 3 illustrates the County’s existing Circulation Element system within the project site. The project proposes to privately maintain these roadways, including access to and from the site. Figure 3-7 illustrates the County’s existing Circulation Element system within the project site. The Proposed Backbone Circulation Plan (Figure 3-14) illustrates the public roads which will provide access to and from the project site and the private roadway system which will be privately maintained.

Table 3-4. Permitted Uses

<table>
<thead>
<tr>
<th>Use Types</th>
<th>Legend</th>
<th>Land Use Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural growing: Vineyards and orchards</td>
<td>P</td>
<td>R—Resort</td>
</tr>
<tr>
<td>Agricultural processing: Winery and olive oil processing</td>
<td>P</td>
<td>MR—Mountain Residential</td>
</tr>
<tr>
<td>Grazing Operations</td>
<td>P</td>
<td>VM—Village Mixed-Use</td>
</tr>
<tr>
<td>Breeding and Raising Animals:</td>
<td></td>
<td>OA—Open Area</td>
</tr>
<tr>
<td>Bee keeping</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Beef cattle or animal/livestock grazing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Horses, donkeys, mules, hogs, sheep, goats, or dairy stock</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Rabbits and fur-bearing animals</td>
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<td></td>
</tr>
<tr>
<td>Growing of agricultural crops for domestic use of the resident/occupant</td>
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<td></td>
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<tr>
<td>Growing and Harvesting Crops:</td>
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<tr>
<td>Field crops, dry land</td>
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<tr>
<td>Field crops, irrigated</td>
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</tr>
<tr>
<td>Flowers and horticultural specialties, wholesale only</td>
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<td></td>
</tr>
<tr>
<td>Nursery, plant, wholesale only</td>
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<tr>
<td>Nut and fruit trees</td>
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<td>Vegetables</td>
<td>P</td>
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</tr>
<tr>
<td>Vine crops</td>
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<td>Land Use Designation</td>
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<td>MR</td>
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<tr>
<td>----------------------</td>
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<td>----</td>
</tr>
<tr>
<td>Nurseries, retail and growing of nursery stock</td>
<td></td>
<td></td>
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<tr>
<td>Wineries, including: processing facilities, retail sales, restaurants, tasting facilities</td>
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<tr>
<td>Eating and Drinking Establishments:</td>
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<tr>
<td>Bar, tavern, or cocktail lounge</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Ice cream parlor</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Restaurant, cafe, or coffee shop</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Restaurant, fast-food</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Food and Beverage Retail Sales:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakery</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Catering</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Convenience market</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Drive-in food market or dairy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmers' market</td>
<td>P7</td>
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</tr>
<tr>
<td>Food store</td>
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<tr>
<td>Liquor store</td>
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<tr>
<td>Specialized, including meat, vegetables, health foods, or candy</td>
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<tr>
<td>General Retail Sales:</td>
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<td>Antiques, provided there is no outside display</td>
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<tr>
<td>Appliances, including service and repair, provided there is no outside storage</td>
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<tr>
<td>Art gallery</td>
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<tr>
<td>Auto parts and accessories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto tire, including service</td>
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<td></td>
</tr>
<tr>
<td>Bicycle, including rental and service</td>
<td>P7</td>
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</tr>
<tr>
<td>Boat, including service and parts when incidental to sales</td>
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<td></td>
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<tr>
<td>Bookstore, general</td>
<td>P7</td>
<td></td>
</tr>
<tr>
<td>Christmas tree, temporary</td>
<td>P7</td>
<td></td>
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</tbody>
</table>
### Legend
- Empty Cell—Not Permitted
- P—Permitted Use
- S—Requires a Tejon Mountain Village Special Use Permit
- Shaded Cell—Category

### Land Use Designation

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<thead>
<tr>
<th>Use Types</th>
<th>R</th>
<th>MR</th>
<th>VM</th>
<th>OA</th>
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</thead>
<tbody>
<tr>
<td>Clothing and apparel</td>
<td>P7</td>
<td>P</td>
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</tr>
<tr>
<td>Computer, including service and repair</td>
<td>P</td>
<td></td>
<td></td>
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<tr>
<td>Department store</td>
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<td>Drugs and pharmaceuticals</td>
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<tr>
<td>Electric appliances, including service and repair</td>
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<tr>
<td>Electric equipment, including service and repair</td>
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<td>Feed, provided there is no outside storage</td>
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<td>P</td>
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<td>Fireworks stand, temporary</td>
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<td>Floor covering, drapery, or upholstery</td>
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<tr>
<td>Florist</td>
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<td>Fruit stand</td>
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<tr>
<td>Furniture</td>
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<td>Gardening and landscaping supply, provided there is no outside storage</td>
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<tr>
<td>Gift and card</td>
<td>P7</td>
<td>P</td>
<td></td>
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<tr>
<td>Gun, including repair</td>
<td>P7</td>
<td>P</td>
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<tr>
<td>Hardware, general, including lumber sales, provided areas devoted to outside storage of materials are screened from public view</td>
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<td></td>
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<td></td>
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<tr>
<td>Hobby supplies</td>
<td>P7</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home or office furnishings</td>
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<td></td>
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</tr>
<tr>
<td>Ice vending machine</td>
<td>P7</td>
<td>P</td>
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<td></td>
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<tr>
<td>Jewelry and watches</td>
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<td>P</td>
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<td>Lapidary</td>
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<td>Lawnmower, including repair, when located entirely within a building</td>
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<tr>
<td>Leather goods and luggage</td>
<td>P7</td>
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<tr>
<td>Locksmith or key and lock shop</td>
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<td>Motorcycles, including service and repair</td>
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<tr>
<td>Use Types</td>
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<td>VM</td>
<td>OA</td>
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<tr>
<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Musical instruments (including repair)</td>
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<tr>
<td>Newspaper or magazine stand</td>
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<td>Chiropractic or massage therapy</td>
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<td>Christmas tree and wreath sales</td>
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<td>Clinic, medical or physical therapy, out-patient only</td>
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<td>Dry Cleaning and Laundry, retail only</td>
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<td>Equipment, small, rental</td>
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<td>Furniture cleaning, refinishing, or upholstery</td>
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<td>Grocery stores and delicatessens, including catering</td>
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## Legend

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<td>Empty Cell—Not Permitted</td>
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<td>S—Requires a Tejon Mountain Village Special Use Permit)</td>
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<td>Shaded Cell—Category</td>
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<td>Mini-warehouse, for storage of personal household goods, provided there is no outside storage; excludes cargo containers and other temporary storage structures</td>
</tr>
<tr>
<td></td>
<td>Mortuary or funeral parlor</td>
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<td></td>
<td>Packaging and mailing services</td>
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<td>Pet grooming, excluding boarding</td>
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<td>Restaurant and incidental retail sales</td>
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<td>Retail sales</td>
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<tr>
<td></td>
<td>Shoe repair</td>
</tr>
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<td></td>
<td>Shoeshine stand</td>
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<tr>
<td></td>
<td>Smog inspection station</td>
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<tr>
<td></td>
<td>Storage</td>
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<tr>
<td>R—Resort</td>
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<tr>
<td>MR—Mountain Residential</td>
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<tr>
<td>VM—Village Mixed-Use</td>
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<td>OA—Open Area</td>
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<td>Ticket agency</td>
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<td>Truck fueling station, without repair facilities</td>
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<td>Veterinary clinics</td>
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<td>Veterinary, household pets only, provided there are no outside kennels</td>
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<tr>
<td>Wedding chapel</td>
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<td>Environmental research and education center</td>
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<td>Junior high school</td>
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<tr>
<td>Senior high school</td>
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<tr>
<td>College or university</td>
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<td>Art, craft, or music school</td>
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<td>Business or trade school, provided that all instruction is conducted within a building and that there is no outside storage of materials or supplies associated with the school</td>
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<td>Martial arts school</td>
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<td>Schools, public or private</td>
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<td>Swim school</td>
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<td>Industrial Storage</td>
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<td>Bottled gas, when accessory to on-site production</td>
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### Legend
- Empty Cell—Not Permitted
- P—Permitted Use
- S—Requires a Tejon Mountain Village Special Use Permit
- Shaded Cell—Category
- R—Resort
- MR—Mountain Residential
- VM—Village Mixed-Use
- OA—Open Area

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<td>Church</td>
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<tr>
<td>Club or lodge</td>
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<td>Convalescent hospital</td>
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<td>Library</td>
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<td>Museum, indoor only</td>
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<td>Museum, with outdoor exhibits</td>
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<td>Public agency or utility buildings and facilities</td>
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<td>Public and Quasi-public Facilities</td>
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<td>Public services, including Fire, Sheriff, Library facilities</td>
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<td>Archery ranges¹</td>
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<td>Campgrounds</td>
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<td>Circus or carnival, temporary, not to exceed four (4) days</td>
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## Legend

<table>
<thead>
<tr>
<th>Empty Cell—Not Permitted</th>
<th>R—Resort</th>
<th>MR—Mountain Residential</th>
<th>VM—Village Mixed-Use</th>
<th>OA—Open Area</th>
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<td>S—Requires a Tejon Mountain Village Special Use Permit</td>
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<td>Shaded Cell—Category</td>
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## Land Use Designation

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<th>R</th>
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<th>VM</th>
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<tr>
<td>Community recreational facilities</td>
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<td>Dance hall, ballroom, or discotheque</td>
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<td>Equestrian center, including boarding</td>
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<td>Golf clubhouse, including ancillary uses and support facilities: Restaurants, Bar/cocktail lounge, Pro shop, retail, Fractional residential units</td>
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<tr>
<td>Golf courses, including ancillary maintenance facilities</td>
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<tr>
<td>Golf driving range</td>
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<td></td>
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</tr>
<tr>
<td>Health club</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Health retreats: medical and holistic</td>
<td>P</td>
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<tr>
<td>Hiking or equestrian trails</td>
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<tr>
<td>Hotels and lodges, including ancillary uses: restaurants and bars, gift shops and personal services; fractional and condominium ownerships; residential units; outdoor recreation facilities; conference facilities</td>
<td>P</td>
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<tr>
<td>Hotel or motel</td>
<td>P</td>
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<td>Information centers</td>
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<td>Land management compound</td>
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<td>Miniature golf courses</td>
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<td>Movie theater, walk-in</td>
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<tr>
<td>Museums and Cultural Centers</td>
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<td>Nature centers</td>
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<tr>
<td>Night club</td>
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<td>Outdoor festivals, less than one (1) week duration”</td>
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<td>Parks, public or private</td>
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<td>Pool or billiard parlor</td>
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<td>Recreation rentals</td>
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<td>Recreation rentals: minor repair incidental to rental</td>
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<tr>
<td>Restrooms</td>
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<tr>
<td>Land Use Designation</td>
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<td>MR</td>
<td>VM</td>
<td>OA</td>
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<td>-------------------------------------------------------------------------------------</td>
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<tr>
<td>Rifle, pistol, skeet or trap ranges</td>
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<tr>
<td>Rodeos, excluding horse racing</td>
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<tr>
<td>Room rentals, excluding bed and breakfast</td>
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<tr>
<td>Shooting ranges, indoor and outdoor</td>
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<td>Skateboard arenas, enclosed</td>
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<tr>
<td>Skating rink, roller or ice</td>
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<tr>
<td>Spa facilities, indoor and outdoor</td>
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<tr>
<td>Storage for recreational activities</td>
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<tr>
<td>Tennis or swim club</td>
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<tr>
<td>Theater, live</td>
<td>P</td>
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<tr>
<td>Trails, including biking, equestrian, pedestrian and boardwalks</td>
<td>P</td>
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<td>Video games arcade</td>
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<tr>
<td>Wildlife, nature, forest and open space preserves and restoration support activities</td>
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**RESIDENTIAL USES**

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>R</th>
<th>MR</th>
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<tbody>
<tr>
<td>Apartment</td>
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<tr>
<td>Bed and breakfast inn</td>
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<tr>
<td>Caretaker’s or Employee’s quarters</td>
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<tr>
<td>Community care facility</td>
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<tr>
<td>Condominium</td>
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<tr>
<td>Duplex</td>
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<td>Dwelling units located entirely above the ground floor of a commercial building</td>
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<tr>
<td>Living quarters, employees on premises</td>
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<tr>
<td>Manufactured home, mobile home, or recreational vehicle, temporary, during</td>
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<tr>
<td>construction of a single-family home</td>
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<tr>
<td>Manufactured home</td>
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<tr>
<td>Model home complex</td>
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<td>Quadruplex</td>
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<tr>
<td>Land Use Designation</td>
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<td>Real estate tract sales office, temporary</td>
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<td>Residences, fractional ownership</td>
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<td>Residential accessory structures</td>
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<td>Residential compound</td>
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<tr>
<td>Residential facility, serving ten (10) or fewer persons</td>
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<td>Retirement or rest home</td>
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<tr>
<td>Secondary dwelling unit</td>
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<td>Single family dwelling</td>
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<td>Townhouse</td>
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<td>Triplex</td>
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<tr>
<td>Concrete or asphalt batch plant</td>
<td>S6</td>
<td>S6</td>
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<tr>
<td>Mineral exploration</td>
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<tr>
<td>Mining and mineral extraction pursuant to Chapter 19.100 of the County’s zoning code</td>
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<tr>
<td>Rock, gravel, sand, concrete, aggregate, or soils crushing, processing or distribution</td>
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<tr>
<td>Small wind energy system (subject to Draft MSHCP restrictions—applicable federal or state law requirements)</td>
<td>P</td>
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<tr>
<td>Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and which occupy a maximum of one acre</td>
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<tr>
<td>Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand</td>
<td>P</td>
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<tr>
<td>Wind-driven electrical generators, commercial, or domestic</td>
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<tr>
<td>Microwave and wireless communications facilities</td>
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<tr>
<td>Use Types</td>
<td>R</td>
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<tr>
<td>--------------------------------------------------------------------------</td>
<td>---</td>
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<tr>
<td>Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission</td>
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<tr>
<td>Utility transmission and substation facilities</td>
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<td>Temporary Wastewater Treatment Facilities</td>
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<td>Temporary Water Treatment Facilities</td>
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<tr>
<td>Sewage treatment plants</td>
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<tr>
<td>Sewer lift stations</td>
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<tr>
<td>Adult day-care</td>
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<tr>
<td>Commercial coach, temporary, not exceeding six (6) months</td>
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<tr>
<td>Commercial coach, when incidental to a permitted use</td>
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<tr>
<td>Construction trailer, temporary, during construction activity only</td>
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<tr>
<td>Daycare center, without extended overnight services</td>
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<tr>
<td>Daycare home, large family</td>
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<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Daycare home, small family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Daycare home, small family, when located within a detached single family dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use</td>
<td>P</td>
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<tr>
<td>Existing uses³</td>
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<tr>
<td>Flea market or swap meet, wholly conducted within an enclosed building</td>
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<tr>
<td>Flood control facilities</td>
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</tr>
<tr>
<td>Garage or yard sales</td>
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<tr>
<td>Helipads and helispots</td>
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Legend

<table>
<thead>
<tr>
<th>Use Types</th>
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<tbody>
<tr>
<td>Heliports</td>
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<td>Home occupation</td>
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<tr>
<td>Hunting or fishing club, not involving buildings or structures</td>
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<td>P</td>
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<tr>
<td>Motion picture sets, temporary</td>
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<tr>
<td>Revival, temporary, not to exceed fourteen (14) days</td>
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<td>Studio, radio, television, recording, or movie</td>
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<tr>
<td>Water storage or groundwater recharge facilities</td>
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<tr>
<td>Water system, small or large including aboveground structures</td>
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<tr>
<td>Wildlife or nature preserve, not involving structures</td>
<td></td>
<td></td>
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<td>P</td>
</tr>
</tbody>
</table>

Notes:
1. When associated with golf course, hotel, resort uses, and private recreation centers.
2. Residential lots within Resort and Mountain Residential designations limited to one rental unit.
3. All existing uses are allowed to remain, subject to “Non-conforming Use” restrictions. Any expansion, intensification, or relocation of an existing use is subject to the Site Development Plan Review Process.
4. Only allowed in equestrian facilities within the R and MR designations.
5. As permitted by State Law.
6. Only as incidental to grading and construction activities in the development of the project.
7. Neighborhood commercial use.
8. Permitted on all residential lots with a minimum of seven thousand five hundred square feet.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County Buildings and Construction Code 17.32.038.503.2.1</td>
<td>Dimensions of fire apparatus access roads</td>
<td>The project would comply as applicable except that the Tejon Mountain Village Special Plan No. 1, Map 256 design standards provide that the minimum unobstructed widths may consist of a reduced paving section in certain cases plus an additional width of drivable, permeable crushed rock or road base to minimize impervious surfaces, maximize infiltration, and thereby reduce stormwater runoff while still providing all weather access to emergency vehicles.</td>
</tr>
</tbody>
</table>
| Kern County Buildings and Construction Code 17.32.042.508 | Fire protection water supplies | The project would comply as applicable with the following exceptions:  
- Because all structures in Tejon Mountain Village would be provided with internal sprinklers, the maximum fire hydrant spacing in residential areas would be 700 feet.  
- Stretches of roadway serving no structures may include spacing of 1,000 feet between hydrants.  
- The needed fire flow is based on all structures having approved fire sprinkler systems, with a resulting 50% reduction in the Fire Code Fire Flow requirements consistent with Appendix B of the Adopted 2007 California Building Code.  
These exceptions are detailed in the Tejon Mountain Village Specific Plan’s Fire Protection Plan (Appendix D) and are provided as measures that provide the same practical effect as the requirements of the code. |
| Kern County Buildings and Construction Code 17.32.109 | Dead-ends | The project would comply as applicable except that the Tejon Mountain Village Special Plan No. 1, Map 256 allows cul de sacs to be up to 20% longer with the provision of attic sprinklers and additional fuel modification requirements. |
| Kern County Buildings and Construction Code 17.48.330 | Restricts High Hazard Flood Areas to no increase in base flood elevations | The project would comply as applicable except that the project would limit encroachments into the flood plain to within the project site, and any increase in base flood elevation would not translate into increased flood risk on or off site and would not result in increased flood risk to habitable structures per the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4. |
| Kern County Land Division Code 18.55.030 | Improvements required: Minimum Right-of-Way and street widths; access via private streets; sewer connections; private drainage improvements | The project would comply as applicable with the following exceptions:  
The Tejon Mountain Village Special Plan No. 1, Map 256 specifies that subdivisions and improvements within the project area are classified as:  
- Type B for all zone classifications within the Special Plan No. 1, Map 256 area except when the standard criteria are met for Type C subdivisions and improvements within the Mountain Residential (MR) and Open Area (OA) Zone Classifications. Develop public roads to Type A improvement standards for the mixed use area located adjacent to the Interstate 5 corridor. All other public roads in the plan area may be... |
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County Land Division Code 18.55.050.B.1.c</td>
<td>Minimum local street Right-of-Way width</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
<tr>
<td>Kern County Land Division Code 18.55.050.B.1.j</td>
<td>Dead end roads</td>
<td>The project would comply as applicable except that the Tejon Mountain Village Special Plan No. 1, Map 256 allows cul de sacs to be up to 20% longer with the provision of attic sprinklers and additional fuel modification requirements.</td>
</tr>
<tr>
<td>Kern County Land Division Code 18.55.050.C.1.h</td>
<td>Variation for Private Streets</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
</tbody>
</table>

- Developed at Type B standards with approval from the Roads Department and Engineer and Survey Services Department.

- Develop private roads to Type B improvement standards in the Specific Plan area except private roads located in the MR or OA area which may be surfaced with two (2) inches of A/C over compacted native ground or material of higher quality. Alternatively, the paved surfacing in the OA or MR may consist of two (2) inches of recycled asphalt or similar material over native ground, which is compacted and sealed, to satisfy this requirement. The determination shall be made during review and approval of the subdivision maps.

- Access to the majority of the parcels within the Special Plan No. 1, Map 256 would be by privately owned and maintained streets, with the exception of the Village Mixed Use zone classification, which would have a public street system. Private street improvements would be as stated in the Tejon Mountain Village Special Plan No. 1, Map 256 design standards (Sheets 4, 6 and 7 of the Tejon Mountain Village Special Plan No. 1, Map 256).

- All drainage improvements are to be privately owned and maintained.

- The Tejon Mountain Village Special Plan No. 1, Map 256 allows access ways that serve 10 or fewer residential units to be 16 feet in width provided that they are not more than 150 feet in length. If they are greater than 150 feet, then an added 4 feet of drivable all weather shoulder must be provided.

- Connection to sewers is anticipated for every property; however, the Tejon Mountain Village Specific Plan allows alternative solutions for large lots.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County Land Division Code</td>
<td>Block length and width</td>
<td>Block design criteria is not applicable to a project in mountainous terrain. Site design would be driven by topography, with road connections made where prudent and safe.</td>
</tr>
<tr>
<td>18.55.050.D</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
<td></td>
</tr>
<tr>
<td>Kern County Land Division Code</td>
<td>Minimum width and depth of lots</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>18.55.050.F.1</td>
<td>Lot depth no more than three times lot width.</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>Kern County Land Division Code</td>
<td>Prohibits double frontage lots</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>18.55.050.F.4</td>
<td>Lot lines should be at right angles or radial to the street.</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>Kern County Land Division Code</td>
<td>Pan handle of flag lot no more than 150 feet long</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>18.55.050.F.7.a</td>
<td>Dedication of river, stream, or creek Right-of-Way to county or other public entity.</td>
<td>The Tejon Mountain Village project does not have any public waterways, rivers, streams, or lakes.</td>
</tr>
<tr>
<td>Kern County Land Division Code</td>
<td>Provision of pedestrian ways and bikeways</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
<tr>
<td>18.55.050.I.2</td>
<td>• Conventional pedestrian ways and bikeways would not be provided; however, a system of non-vehicular private trails would be provided, generally following existing ranch roads to minimize environmental impacts.</td>
<td></td>
</tr>
<tr>
<td>Kern County Land Division Code</td>
<td>Street lighting illumination levels</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
<tr>
<td>18.55.050.I.9</td>
<td>• In keeping with the rural, mountainous character of Tejon Mountain Village, street lighting would be provided only at intersections (see Tejon Mountain Village Specific Plan Chapter 3).</td>
<td></td>
</tr>
<tr>
<td>Kern County Zoning Ordinance</td>
<td>Small wind energy system</td>
<td>The Tejon Mountain Village Special Plan No. 1, Map 256 allows wind-driven electrical generators in the Resort, Village Mixed Use, and Mountain Residential zone classifications subject to applicable federal or state law requirements the provision contained in the draft Tehachapi Uplands Multi-Species Habitat Conservation Plan (TUMSHCP) and the provisions of a Small Energy System Permit as applicable. The project would comply with the</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Reason for Deviation</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.08.150</td>
<td>Height of buildings</td>
<td>The Tejon Mountain Village Special Plan No. 1, Map 256 contains building height restrictions for each Zone Classification and provides a limit for projections beyond the maximum building heights of up to 15 feet for architectural building elements such as chimneys, towers, etc. The Tejon Mountain Village Special Plan No. 1, Map 256 does not consider penthouses, elevators, rooftop equipment, or tanks to be projections in and of themselves, but does allow such uses to be housed within architectural projections that are considered to be with keeping with the architectural style of the building and incidental to the massing of the structure with the exception of penthouses, which are prohibited from occupying architectural projections.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.08.160</td>
<td>Height of structures</td>
<td>The project complies with this code with respect to flagpoles, light standards, chimneys, and smokestacks (smokestacks and uses that typically require smokestacks are not proposed). With respect to radio and television masts, and communication towers, the Tejon Mountain Village Special Plan No. 1, Map 256 provides that these structures may be up to 100 feet in height but are subject to the provisions of applicable federal or state law the proposed TUMSHCP. See Tejon Mountain Village Special Plan No. 1, Map 256, Sheet 4, Use Type Development Standards matrix. With respect to wind-driven power generators, the Tejon Mountain Village Special Plan No. 1, Map 256 only allows these uses where they provide power to supplement onsite power needs subject to the TUMSHCP, which requires USFWS approval. Commercial wind farms are not permitted.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.84</td>
<td>Signs</td>
<td>Signs within the public access areas of Tejon Mountain Village are regulated by Chapter 19.84 of the Kern County Zoning Code. A Tejon Mountain Village Community Sign Program(s) (CSP) is required for all private access areas in accordance with the Community Sign Program Review Process set forth in Section B.5 of Review and Approval Procedures, Sheet 15. A CSP may also be approved for the public access areas. The Community Sign Program Review Process requires a finding that the CSP(s) are consistent with comparable provisions of the Chapter 19.84 of the Kern County Zoning Code.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.08.180</td>
<td>Accessory buildings</td>
<td>Project would comply as applicable.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tejon Mountain Village Special Plan No. 1, Map 256 Zone Classification Standards and Permitted Uses (Sheets 2 and 3) set forth specific criteria for secondary dwelling units and, residential accessory structures, guesthouses, and residential compounds.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.88</td>
<td>Hillside Development Ordinance</td>
<td>Tejon Mountain Village grading standards are intended to allow sensitively designed development within hillside areas while protecting the public health, safety, and welfare by ensuring that development would not induce soil erosion,</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Reason for Deviation</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.90.010</td>
<td>Purpose and Application</td>
<td>The project will comply as applicable except that the Special Planning (SP) District Plan allows Secondary Residential Units in all single family residential lots which are a minimum of seven thousand five hundred square feet. See Special Planning (SP) District Plan Sheets 2 and 3.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.90.030</td>
<td>Development standards (secondary residential units)</td>
<td>The project will comply as applicable, except that the total floor area of the secondary dwelling unit may not exceed fifty percent (50%) of the total floor area of the principal dwelling. The project would comply as applicable, except that the Tejon Mountain Village Special Plan No. 1, Map 256 allows Residential Compounds consisting of up to 5 detached units subject to a Site Development Plan Review. A residential compound is considered one dwelling unit for the purposes of the Tejon Mountain Village Specific Plan’s development cap calculation and as such cannot be subdivided unless individual units from the overall development caps are assigned to each unit to be subdivided.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-1.01</td>
<td>Minimum street centerline radius</td>
<td>The project would comply as applicable with the minimums allowed by exception as granted by the Planning Director per Development Standards Section 104-1.01. It should be noted that roundabout intersection controls are allowed by the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4 and would have travel way radii that are significantly less than the permitted centerline radii.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-2.02</td>
<td>Maximum street gradient</td>
<td>The project would comply as applicable for public roads. The maximum street gradient for private roads would comply with the maximum of 15% allowed by exception as granted by the Planning Director per Development Standards Section 104-2.02 for local and cul-de-sac streets. The Roadway Development Standards on Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4 allow for a maximum grade of 15%, with no exception process required.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-4.02</td>
<td>Road surfacing</td>
<td>The project would comply as applicable; however, in keeping with rural, mountainous character of Tejon Mountain Village, alternative road surfacing would be allowed in selected areas as indicated in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-6</td>
<td>Street Lighting Standards</td>
<td>The project would comply as applicable; however, street lighting standards have been modified in keeping with rural, mountainous character of Tejon Mountain Village. Per the Tejon Mountain Village Design Guidelines (Appendix B), street lighting in Tejon Mountain Village would be result in excessive grading, or lead to loss of aesthetic value. Grading for Tejon Mountain Village would be in conformance with the Kern County Grading Code (Chapter 1A.28 of the Code of Building Regulations of Kern County) except as modified herein (Sheet 4). These grading standards supersede the provisions of Chapter 19.88 of the Kern County Zoning Ordinance.</td>
</tr>
<tr>
<td>Section Description</td>
<td>Reason for Deviation</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 406-2.01</td>
<td>Intermediate Storm Design Discharge not to exceed soffit of culvert. The project would comply for crossings that do not include a water quality or storage component; however, outlet culverts for water quality basins may include greater headwater depths, and implementation would be determined on a case-by-case basis.</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 409-2.01</td>
<td>Requires concrete low flow channel in detention basins. In keeping with the rural, natural character of the community, no hard lining would be provided in detention basins. In addition, all development would be consistent with the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-1</td>
<td>Constructed channels to carry Capital Storm Design Discharge plus freeboard. Cuddy Creek would comply; however, in keeping with the natural character of the community, other constructed channels are intended to mimic natural conditions, including overbank flow at Capital Storm Design Discharge. In addition, all development would be consistent with the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-2.01</td>
<td>Require freeboard in constructed channels. Cuddy Creek would comply; however, in keeping with the natural character of the community, other constructed channels are intended to mimic natural conditions, including overbank flow at Capital Storm Design Discharge. In addition, all development would be consistent with the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-6</td>
<td>Requires fencing of constructed channels. All project fencing is subject to applicable sections of the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-7</td>
<td>Right-of-Way requirements for constructed channels. Drainage facilities within Tejon Mountain Village are to be privately owned and maintained. Drainage standards are found in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4 and are subject to the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>Kern County Development Standards Section 411-6</td>
<td>Requires fencing of levees. All project fencing is subject to applicable sections of the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Reason for Deviation</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Kern County Development</td>
<td>Right of Way requirements for levees</td>
<td>Drainage facilities within Tejon Mountain Village are to be privately owned and maintained. Drainage standards are found in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4, subject to the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development</td>
<td>Street Typical Sections</td>
<td>The project would comply as applicable; however, Tejon Mountain Village Typical Private Street Sections are to be as shown in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheets 6 and 7.</td>
</tr>
<tr>
<td>Kern County Development</td>
<td>Top of cul-de-sac less than one lot depth from tract boundary</td>
<td>The project would comply as applicable; however, mountainous terrain would dictate end of street location in most cases.</td>
</tr>
<tr>
<td>Kern County Development</td>
<td>Cul-de-sac layout</td>
<td>The project would comply as applicable; however, cul-de-sac layout orientation on private streets would be revised to allow hammerhead turnaround area as shown in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 7.</td>
</tr>
</tbody>
</table>

**Page 3-34**

Pursuant to 19.52.180, the Planning Director may approve minor plan modifications if the Planning Director determines that the modification does not constitute a substantial change in the approved project. A minor modification would not cause a development area boundary adjustment resulting in an increase to the total development envelope area. Additionally, minor modification adjustments and transfers of planned individual Special Plan Area units would not result in an increase to the development caps. Should the Planning Director find that the requested adjustment does not meet the definition of a minor modification, the requested modification may be forwarded to the Planning Commission. Decisions of the Planning Director may also be appealed to the Planning Commission and decisions of the Planning Commission can be appealed to the Board of Supervisors.

**Page 3-35**

- **Residential site development plan review process.** Site development plan review for residential development would require a ministerial review by County planning staff to confirm if all development conditions and environmental mitigation identified in the Mitigation Measure Monitoring Program, special plan conditions and conditions of the subdivision map have been met.

- **Commercial site development plan review process.** Site development plan review for commercial development would require a discretionary permit approval by the Planning Director through a director's hearing process. Applications for Planning Director's approval would be processed according to the provisions set out in
Sections 19.102.070 through 19.102.110 (including the appeals process to the Board of Supervisors) of the Kern County Zoning Ordinance with the following exceptions:

(a) The approved set of plans and specifications from the master developer and/or master Property Owners Association MD/MPOA review and approval process would constitute all necessary plan submittal requirements for this process; and

(b) If the proposed development plans are in conformance with prototypical development alternatives contained within the Tejon Mountain Village Special Plan No. 1, Map 256, pursuant to Title 19 Article V, the proposed development could be approved by the Planning Director.
## Table 1. Projects Considered in Cumulative Analyses

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Location</th>
<th>APN</th>
<th>Acres</th>
<th>Description and Uses</th>
<th>Buildout Assumptions (if not described in previous column)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLH Development, LLC</td>
<td>East of Interstate 5 near Kern County/LA County border</td>
<td>255-640-12</td>
<td>164</td>
<td>General plan amendment to 5.7/2.1 and zoning code change to E (5) RS CL</td>
<td>Assumed buildout of 33 units</td>
</tr>
<tr>
<td>CAL CART/WZI</td>
<td>Northeast corner Frazier Mountain Park Road and Cuddy Canyon Road</td>
<td>255-620-48</td>
<td>64</td>
<td>Surface mine/reclaim Conditional use permit</td>
<td>Assumed mining on 35 acres</td>
</tr>
<tr>
<td>Frazier Park Estates/Cornerstone</td>
<td>Frazier Mountain Park Road</td>
<td>255-560-33</td>
<td>847.4</td>
<td>General plan amendment to 5.5/2.1 and 6.2/2.1</td>
<td>705 single-family residences 41 unit multi-family complex 135,294 square feet of commercial space</td>
</tr>
<tr>
<td>Galonska, Siegfried/Christine by French &amp; Associates</td>
<td>Frazier Mountain Park 3/4 mile east of Mount Pinos</td>
<td>255-193-56</td>
<td>10</td>
<td>General plan amendment to 7.1 and zoning code change to M-2 PD</td>
<td>Assumed buildout of 145,200 square feet of medium industrial</td>
</tr>
<tr>
<td>Griffith Company/Mike Goddard</td>
<td>39439 Edmonston Pumping Plant Road</td>
<td>241-190-21</td>
<td>115.06</td>
<td>Expansion of a SMARA plan Conditional use permit</td>
<td>Assumed buildout of 115.06 acres</td>
</tr>
<tr>
<td>Hallmark, Doug and Lori by Pinnacle Engineering</td>
<td>Castaic View Road, Lebec</td>
<td>255-540-35</td>
<td>5.69</td>
<td>7.2/2.1 to 5.5 and zoning code change to E (1) RS</td>
<td>Assumed buildout of 5 units</td>
</tr>
<tr>
<td>Johnson, Harold and Rosalie/French &amp; Associates</td>
<td>W/S Interstate 5 IN SE/4</td>
<td>255-182-07</td>
<td>9.67</td>
<td>Zoning code change to C-2 PD FPS</td>
<td>Assumed buildout of 48 general commercial lots at 196,800 square feet</td>
</tr>
<tr>
<td>Martin Bros Development Inc/Richard Aldrich</td>
<td>Grand Terrace Drive and Frazier Mountain Park</td>
<td>255-560-25</td>
<td>20</td>
<td>8.5/2.1 to 5.7</td>
<td>Assumed buildout of 4 units</td>
</tr>
<tr>
<td>Martin, Curtis by Nelms Surveying</td>
<td>Hayride Road, east of Interstate 5, Lebec</td>
<td>255-640-27</td>
<td>35</td>
<td>General plan amendment 5.7/2.1 and zoning code change from A GH to E (5) RS</td>
<td>Assumed buildout of 7 units</td>
</tr>
<tr>
<td>Project Name</td>
<td>Location</td>
<td>APN</td>
<td>Acres</td>
<td>Description and Uses</td>
<td>Buildout Assumptions (if not described in previous column)</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>------------------------------------------------------------</td>
</tr>
<tr>
<td>Titan Propane</td>
<td>Landfill Road</td>
<td>255-540-43</td>
<td>22.02</td>
<td>Petroleum gas service Yard</td>
<td>Conditional use permit</td>
</tr>
<tr>
<td>Frazier Park/Lebec SP</td>
<td>Frazier Park/Lebec</td>
<td>NA</td>
<td>9,586</td>
<td>Community Plan</td>
<td>Buildout of plan</td>
</tr>
<tr>
<td>O'Neil Canyon SP</td>
<td>O'Neil Canyon</td>
<td>NA</td>
<td>4,800</td>
<td>Community Plan</td>
<td>Buildout of plan</td>
</tr>
</tbody>
</table>

6-Mile Radius
Figure 4.1-13 demonstrates the difference between the light and glare generated by the existing commercial uses along I-5 (the baseline environmental condition) and the light and glare generated by the Project as restricted by the Master Design Guidelines (Tejon Mountain Village Specific Plan Appendix B, Section F) and Mitigation Measures 4.1-2 (as amended in the Final EIR), 4.1-4, 4.1-5, and 4.1-6. This Exhibit indicates that in comparison with the heavily lit areas near to the Project site and due to lighting restrictions required by the Design Guidelines, the Project site would continue to appear almost completely dark. Figure 4.1-14 shows the relationship between the Project and the Mt. Pinos Viewing Station, several ridgelines away. Based upon the very minimal light that the Project would contribute to the area (as shown on Figure 4.1-13) and the relative location of Mt. Pinos Viewing Station (as shown on Figure 4.1-14), the Project would have minimal, if any impacts related to night glow that could affect astronomical observation sites in the Mount Pinos area.

Mitigation Measure 4.2-1. Prior to the recordation of any final subdivision map, as appropriate for that map, the project shall utilize conservation easements or deed restrictions and implement funding mechanisms in accordance with the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Framework Resource Management Plan to ensure that grazing operations are permanently protected on, ultimately, 21,335 acres within the project.

As proposed, approximately 80% of the project site (21,335 acres) and most of the surrounding ranchlands owned by the Tejon Ranch Company would continue to be used for grazing in accordance with the Tejon Mountain Village Specific Plan, the Tejon Mountain Village Framework Resource Management Plan, and the Ranchwide Agreement. This activity would continue during construction pursuant to the project Tejon Mountain Village Specific Plan, the Ranchwide Agreement, and the Tejon Mountain Village Framework Resource Management Plan (see Section 4.4, “Biological Resources,” Appendix B-1, and Appendix J-1).

Cattle ranching leases are currently managed by the Tejon Ranch Company within the project site and in adjacent lands. This activity would continue on approximately 80% of the site and be permanently protected by the project (see Section 4.4, “Biological Resources,” and Appendix B-1). The Tejon Ranch Company would also continue to manage grazing leases within the project area in accordance with the Tejon Mountain Village Framework Resource Management Plan and throughout its landholdings adjacent to the project in accordance with the Ranchwide Agreement.

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Table 4.3-7. Ambient Air Quality Monitoring Data Measured at Arvin, Bakersfield, and Maricopa-Stanislaus Stations

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td><strong>Ozone (O₃)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>concentration (ppm)</td>
<td>0.133 0.135 0.129 0.150</td>
<td>0.117 0.123 0.117 0.127</td>
<td>0.110 0.108 0.127 0.115</td>
<td>0.102 0.104 0.097 0.97</td>
</tr>
<tr>
<td>Maximum 8-hour</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>concentration (ppm)</td>
<td>0.113 0.119 0.110 0.121</td>
<td>0.103 0.110 0.106 0.111</td>
<td>0.092 0.096 0.102 0.105</td>
<td>0.096 0.094 0.090 0.89</td>
</tr>
<tr>
<td><strong>Number of days standard exceeded</strong>a</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.09 ppm)</td>
<td>64 66 51 67</td>
<td>28 52 4 15</td>
<td>7 15 1 9</td>
<td>7 4 3 2</td>
</tr>
<tr>
<td>NAAQS 1-hour (&gt;0.12 ppm)</td>
<td>6 12 3 14</td>
<td>0 0 0 1</td>
<td>0 0 1 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>NAAQS 8-hour (&gt;0.080.075 ppm)b</td>
<td>5490 6499 4489 102</td>
<td>3371 3379 625 40</td>
<td>627 4638 414 21</td>
<td>4543 4445 623 20</td>
</tr>
<tr>
<td>CAAQS 8-hour (&gt;0.070 ppm)</td>
<td>113 125 120 128</td>
<td>92 104 49 60</td>
<td>48 62 26 36</td>
<td>71 64 47 40</td>
</tr>
<tr>
<td><strong>Nitrogen Dioxide (NO₂)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highest 1-hour</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>concentration (ppm)</td>
<td>0.050 0.047 0.052 0.033</td>
<td>0.074 0.073 0.072 0.083</td>
<td>0.078 0.076 0.073 0.075</td>
<td>– – – –</td>
</tr>
<tr>
<td>Annual average</td>
<td>0.009 0.008 0.008 0.006</td>
<td>0.018 0.017 0.017 0.016</td>
<td>0.021 0.021 0.020 0.019</td>
<td>– – – –</td>
</tr>
<tr>
<td><strong>Standard Exceeded</strong>a</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.18 ppm) (days)</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 – – – –</td>
</tr>
<tr>
<td>NAAQS annual average (&gt;0.053 ppm)</td>
<td>No No No No</td>
<td>No No No No</td>
<td>No No No No</td>
<td>No – – – –</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;0.030 ppm)</td>
<td>No No No No</td>
<td>No No No No</td>
<td>No No No No</td>
<td>No – – – –</td>
</tr>
</tbody>
</table>
Table 4.3-7. Ambient Air Quality Monitoring Data Measured at Arvin, Bakersfield, and Maricopa-Stanislaus Stations

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Carbon Monoxide (CO)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 8-hour</td>
<td>– – – –</td>
<td>2.20 – – –</td>
<td>2.10 2.19 1.97 2.17</td>
<td>– – – –</td>
</tr>
<tr>
<td>concentration (ppm)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour</td>
<td>– – – –</td>
<td>3.1 – – –</td>
<td>3.2 3.3 2.8 3.5</td>
<td>– – – –</td>
</tr>
<tr>
<td>concentration (ppm)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of days standard exceededa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 8-hour (≥9 ppm)</td>
<td>– – – –</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 – – –</td>
</tr>
<tr>
<td>CAAQS 8-hour (≥9.0 ppm)</td>
<td>– – – –</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 – – –</td>
</tr>
<tr>
<td>NAAQS 1-hour (≥35 ppm)</td>
<td>– – – –</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 – – –</td>
</tr>
<tr>
<td>CAAQS 1-hour (≥20 ppm)</td>
<td>– – – –</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 – – –</td>
</tr>
<tr>
<td><strong>Particulate Matter (PM10)c</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nationald maximum</td>
<td>– – – –</td>
<td>106.0 153.0 115.0 262.3</td>
<td>107.0 157.0 131.0 267.4</td>
<td>– – – –</td>
</tr>
<tr>
<td>24-hour concentration (μg/m³)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statec maximum 24-</td>
<td>– – – –</td>
<td>108.0 159.0 118.0 263.6</td>
<td>109.0 162.0 135.0 266.8</td>
<td>– – – –</td>
</tr>
<tr>
<td>hour concentration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(μg/m³)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State annual average</td>
<td>– – – –</td>
<td>40.4 48.5 48.5 55.4</td>
<td>43.4 56.5 – – –</td>
<td>– – – –</td>
</tr>
<tr>
<td>concentration (μg/m³)c</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard exceededc</td>
<td>– – – –</td>
<td>0 0 0 0 l</td>
<td>0 1 0 0 1</td>
<td>– – – –</td>
</tr>
<tr>
<td>NAAQS 24-hour</td>
<td>– – – –</td>
<td>0 0 0 0 l</td>
<td>0 1 0 0 1</td>
<td>– – – –</td>
</tr>
</tbody>
</table>

*Note: a: NAAQS, National Ambient Air Quality Standard; CAAQS, California Air Quality Standard; b: NAAQS 8-hour standard exceeds 9 ppm; c: PM10 concentration is measured in μg/m³; d: National standard; e: State standard; f: State annual average concentration; g: Standard exceeded.*
### Table 4.3-7. Ambient Air Quality Monitoring Data Measured at Arvin, Bakersfield, and Maricopa-Stanislaus Stations

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(&gt;150 μg/m³)g</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS 24-hour (&gt;50 μg/m³)g</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;20 μg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td><strong>Particulate Matter (PM_{2.5})</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nationald maximum 24-hour concentration (µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>National annual average concentration (µg/m³)g</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>State annual average concentration (µg/m³)g</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td><strong>Standard exceeded</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 24-hour (&gt;35 µg/m³) (days)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>NAAQS annual average (&gt;15.0 µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;12 µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

**Notes**

CAAQS = California ambient air quality standards.
NAAQS = national ambient air quality standards.
– = insufficient data available to determine the value.
Table 4.3-7. Ambient Air Quality Monitoring Data Measured at Arvin, Bakersfield, and Maricopa-Stanislaus Stations

|----------------|---------------------------|----------------------------|-------------------------------|---------------------|

\(^a\) An exceedance is not necessarily a violation. California standards for ozone, carbon monoxide, nitrogen dioxide, and suspended PM\(_{10}\) are not to be exceeded. The California standard for PM\(_{2.5}\) is not to be equaled or exceeded. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. For PM\(_{10}\), the 24-hour standard is attained when 99% of the daily concentrations, averaged over 3 years, are equal to or less than the standard. For PM\(_{2.5}\), the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, is equal to or less than the standard.

\(^b\) Effective May 27, 2008, the federal 8-hour ozone standard was changed from 0.08 to 0.075 ppm. Because all data was gathered prior to the standard change, exceedances are measured against the old standard of 0.08 ppm.

\(^c\) Measurements usually are collected every 6 days.

\(^d\) National statistics are based on standard conditions data. In addition, national statistics are based on samplers using federal reference or equivalent methods.

\(^e\) State statistics are based on local conditions data, except in the SCAB, for which statistics are based on standard conditions data. In addition, state statistics are based on California approved samplers.

\(^f\) Mathematical estimate of how many days concentrations would have been measured as higher than the level of the standard had each day been monitored.

\(^g\) State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.

\(^h\) In its final rule that affirmed that the SJVAB is in attainment with the federal PM\(_{10}\) standards, EPA also concurred with the state’s request to flag certain exceedances of the PM\(_{10}\) standard in 2006—including those that occurred at the Bakersfield-Golden State Highway monitoring station—as the result of exceptional events (i.e., high winds) (73 FR 14688). These exceedances did not, therefore, effect the EPA’s PM\(_{10}\) attainment determination.

Source: California Air Resources Board 2008b.
Table 4.3-8. Ambient Air Quality Monitoring Data Measured at Santa Clarita

<table>
<thead>
<tr>
<th>Pollutant Standards</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ozone (O₃)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour concentration (ppm)</td>
<td>0.173</td>
<td>0.156</td>
<td>0.135</td>
<td>0.160</td>
</tr>
<tr>
<td>Maximum 8-hour concentration (ppm)</td>
<td>0.141</td>
<td>0.120</td>
<td>0.110</td>
<td>0.131</td>
</tr>
<tr>
<td><strong>Number of days standard exceeded</strong>&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.09 ppm)</td>
<td>65</td>
<td>62</td>
<td>31</td>
<td>54</td>
</tr>
<tr>
<td>NAAQS 1-hour (&gt;0.12 ppm)</td>
<td>11</td>
<td>20</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>NAAQS 8-hour (&gt;0.080-0.075 ppm)&lt;sup&gt;b&lt;/sup&gt;</td>
<td>4769</td>
<td>4060</td>
<td>4744</td>
<td>60</td>
</tr>
<tr>
<td>CAAQS 8-hour (&gt;0.07 ppm)</td>
<td>82</td>
<td>81</td>
<td>65</td>
<td>81</td>
</tr>
<tr>
<td><strong>Nitrogen Dioxide (NO₂)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highest 1-hour concentration (ppm)</td>
<td>0.087</td>
<td>0.080</td>
<td>0.084</td>
<td>0.073</td>
</tr>
<tr>
<td>Annual average</td>
<td>0.019</td>
<td>0.018</td>
<td>0.020</td>
<td>0.016</td>
</tr>
<tr>
<td><strong>Standard Exceeded</strong>&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.18 ppm) (days)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NAAQS annual average (&gt;0.053 ppm)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;0.030 ppm)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Carbon Monoxide (CO)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 8-hour concentration (ppm)</td>
<td>2.02</td>
<td>2.02</td>
<td>2.0</td>
<td>2.01</td>
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<tr>
<td>Maximum 1-hour concentration (ppm)</td>
<td>2.01</td>
<td>2.0</td>
<td>2.01</td>
<td>1.6</td>
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<tr>
<td><strong>Number of days standard exceeded</strong>&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 8-hour (&gt;9 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CAAQS 8-hour (&gt;9.0 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NAAQS 1-hour (&gt;35 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;20 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Particulate Matter (PM₁₀)</strong>&lt;sup&gt;c&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National&lt;sup&gt;d&lt;/sup&gt; maximum 24-hour concentration (µg/m³)</td>
<td>55.0</td>
<td>53.0</td>
<td>167.0</td>
<td>91.0</td>
</tr>
<tr>
<td>State&lt;sup&gt;e&lt;/sup&gt; maximum 24-hour concentration (µg/m³)</td>
<td>52.0</td>
<td>51.0</td>
<td>159.0</td>
<td>87.0</td>
</tr>
<tr>
<td>State annual average concentration (µg/m³)&lt;sup&gt;e&lt;/sup&gt;</td>
<td>24.7</td>
<td>22.3</td>
<td>30.8</td>
<td></td>
</tr>
<tr>
<td><strong>Number of days standard exceeded</strong>&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 24-hour (&gt;150 µg/m³)&lt;sup&gt;f&lt;/sup&gt;</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>CAAQS 24-hour (&gt;50 µg/m³)&lt;sup&gt;f&lt;/sup&gt;</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Pollutant Standards</td>
<td>2005</td>
<td>2006</td>
<td>2007</td>
<td>2008</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;20 μg/m³)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Particulate Matter (PM₂₅)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National maximum 24-hour concentration (µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>National annual average concentration (µg/m³)</td>
<td>–</td>
<td>–</td>
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<td>–</td>
</tr>
<tr>
<td>State annual average concentration (µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td><strong>Standard exceeded</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAAQS 24-hour (&gt;35 µg/m³) (days)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>NAAQS annual average (&gt;15.0 µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;12 µg/m³)</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

Notes

CAAQS = California ambient air quality standards.
NAAQS = national ambient air quality standards.
– = insufficient data available to determine the value.

a An exceedance is not necessarily a violation. California standards for ozone, carbon monoxide, nitrogen dioxide, and suspended particulate matter (PM₁₀) are not to be exceeded. The California standard for PM₂₅ is not to be equaled or exceeded. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when 99% of the daily concentrations, averaged over 3 years, are equal to or less than the standard. For PM₂₅, the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, is equal to or less than the standard.
b Effective May 27, 2008, the federal 8-hour ozone standard was changed from 0.08 to 0.075 ppm. Because all data was gathered prior to the standard change, exceedances are measured against the old standard of 0.08 ppm.
c Measurements usually are collected every 6 days.
d National statistics are based on standard conditions data. In addition, national statistics are based on samplers using federal reference or equivalent methods.
e State statistics are based on local conditions data, except in the SCAB, for which statistics are based on standard conditions data. In addition, state statistics are based on California approved samplers.
f Mathematical estimate of how many days concentrations would have been measured as higher than the level of the standard had each day been monitored.
g State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.

Source: California Air Resources Board 2008b.
### Table 4.3-9. Ambient Air Quality Monitoring Data Measured at Peace Valley Road

<table>
<thead>
<tr>
<th>Pollutant Standards</th>
<th>February 1, 2006, to March 31, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ozone (O₃)</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour concentration (ppm)</td>
<td>0.108</td>
</tr>
<tr>
<td>Maximum 8-hour concentration (ppm)</td>
<td>0.099</td>
</tr>
<tr>
<td><strong>Number of days standard exceeded</strong></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.09 ppm)</td>
<td>14</td>
</tr>
<tr>
<td>NAAQS 1-hour (&gt;0.12 ppm)</td>
<td>0</td>
</tr>
<tr>
<td>NAAQS 8-hour (&gt;0.08 ppm)</td>
<td>42</td>
</tr>
<tr>
<td>CAAQS 8-hour (&gt;0.07 ppm)</td>
<td>57</td>
</tr>
<tr>
<td><strong>Nitrogen Dioxide (NO₂)</strong></td>
<td></td>
</tr>
<tr>
<td>Highest 1-hour concentration (ppm)</td>
<td>–</td>
</tr>
<tr>
<td>Annual average</td>
<td>–</td>
</tr>
<tr>
<td><strong>Standard Exceeded</strong></td>
<td></td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;0.18 ppm) (days)</td>
<td>–</td>
</tr>
<tr>
<td>NAAQS annual average (&gt;0.053 ppm)</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;0.030 ppm)</td>
<td>–</td>
</tr>
<tr>
<td><strong>Carbon Monoxide (CO)</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum 8-hour concentration (ppm)</td>
<td>–</td>
</tr>
<tr>
<td>Maximum 1-hour concentration (ppm)</td>
<td>–</td>
</tr>
<tr>
<td><strong>Number of days standard exceeded</strong></td>
<td></td>
</tr>
<tr>
<td>NAAQS 8-hour (&gt;9 ppm)</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS 8-hour (&gt;9.0 ppm)</td>
<td>–</td>
</tr>
<tr>
<td>NAAQS 1-hour (&gt;35 ppm)</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS 1-hour (&gt;20 ppm)</td>
<td>–</td>
</tr>
<tr>
<td><strong>Particulate Matter (PM₁₀)</strong></td>
<td></td>
</tr>
<tr>
<td>National maximum 24-hour concentration (μg/m³)</td>
<td>–</td>
</tr>
<tr>
<td>State maximum 24-hour concentration (μg/m³)</td>
<td>–</td>
</tr>
<tr>
<td>State annual average concentration (μg/m³)</td>
<td>–</td>
</tr>
<tr>
<td><strong>Number of days standard exceeded</strong></td>
<td></td>
</tr>
<tr>
<td>NAAQS 24-hour (&gt;150 μg/m³)</td>
<td>–</td>
</tr>
</tbody>
</table>
### Pollutant Standards

<table>
<thead>
<tr>
<th>Pollutant Standards</th>
<th>February 1, 2006, to March 31, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAAQS 24-hour (&gt;50 μg/m³)&lt;sup&gt;f&lt;/sup&gt;</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;20 μg/m³)</td>
<td>–</td>
</tr>
</tbody>
</table>

### Particulate Matter (PM₂.₅)

<table>
<thead>
<tr>
<th>Standard exceeded&lt;sup&gt;a&lt;/sup&gt;</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NAAQS 24-hour (&gt;35 μg/m³) (days)</td>
<td>–</td>
</tr>
<tr>
<td>NAAQS annual average (&gt;15.0 μg/m³)</td>
<td>–</td>
</tr>
<tr>
<td>CAAQS annual average (&gt;12 μg/m³)</td>
<td>–</td>
</tr>
</tbody>
</table>

### Notes

- **CAAQs** = California ambient air quality standards.
- **NAAQS** = national ambient air quality standards.
- – = insufficient data available to determine the value.

<sup>a</sup> An exceedance is not necessarily a violation. California standards for ozone, carbon monoxide, nitrogen dioxide, and suspended particulate matter (PM₁₀) are not to be exceeded. The California standard for PM₂.₅ is not to be equaled or exceeded. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when 99% of the daily concentrations, averaged over 3 years, are equal to or less than the standard. For PM₂.₅, the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, is equal to or less than the standard.

<sup>b</sup> Effective May 27, 2008, the federal 8-hour ozone standard was changed from 0.08 to 0.075 ppm. Because all data was gathered prior to the standard change, exceedances are measured against the old standard of 0.08 ppm.

<sup>c</sup> Measurements usually are collected every 6 days.

<sup>d</sup> National statistics are based on standard conditions data. In addition, national statistics are based on samplers using federal reference or equivalent methods.

<sup>e</sup> State statistics are based on local conditions data, except in the SCAB, for which statistics are based on standard conditions data. In addition, state statistics are based on California approved samplers.

<sup>f</sup> Mathematical estimate of how many days concentrations would have been measured as higher than the level of the standard had each day been monitored.

<sup>g</sup> State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.

*Source: California Air Resources Board 2008b*
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**Methane**

Methane, the main component of natural gas, is the second largest contributor to anthropogenic GHG emissions and has a global warming potential of 21 (Association of Environmental Professionals 2007). The primary anthropogenic source of methane emissions is agricultural activities such as rice production and cattle farming, as well as combustion of natural gas and coal mining (National Oceanic and Atmospheric Administration 2005). Atmospheric methane has increased from a pre-industrial concentration of 715 ppb to 1,774 ppb in 2005 (Intergovernmental Panel on Climate Change 2007b). (See Appendix D-9)

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CARB recently released revised estimates of California’s 1990 and 2004 emissions, now estimating that 1990 emissions amounted to 437 million metric tons of CO2 equivalent and 2004 emissions levels were 484 million metric tons of CO2 equivalent (Appendix D-9).

Page 4.3-83

Emissions of N2O from transportation were calculated from the default vehicle fleet mix provided by the air district (Klassen pers. comm) and default estimates of VMT by vehicle and fuel type listed within EMFAC. EMFAC produced estimates of miles traveled per gallon of fuel by vehicle type for gasoline and diesel in 2030. Annual fuel use by vehicle type was then used to determine N2O emissions per gallon of fuel using CARB emission factors for diesel and gasoline for 2004. CARB emission factors for 2004 were 0.332 grams of N2O per gallon of diesel for all vehicle types and 0.74, 0.752, 1.51 and 2.36 grams of N2O per gallon of gasoline for passenger cars, light duty trucks, heavy duty trucks and motorcycles, respectively (California Air Resources Board 2008d–j). Emissions of N2O per gallon of fuel used were assumed to remain constant over time to represent a worst-case emissions scenario. EMFAC outputs can be found in Appendix C of Appendix D-9.

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Area source emissions of CH4 and N2O from the project site were not estimated because URBEMIS is not able to calculate these emissions, and any other reliable methodology is currently unavailable. However, area source emissions of CH4 and N2O emissions are expected to be trivial in comparison to tailpipe and energy related GHG emissions. See Appendices B, C, D, and E of Appendix D-9 for URBEMIS outputs.

Page 4.3-87

Electricity transmission lines release SF6 over time. Emissions of SF6 were quantified by apportioning total SF6 emissions for California by the total electricity generation in California in 2004 (see Appendix D-9). Once an average emissions factor of SF6 per MWh in California was obtained, it was multiplied by the projected electricity consumption in the Tejon Mountain Village project area in 2030 to obtain total SF6 emissions associated with electricity delivery to the Tejon Mountain Village project. Though PG&E is taking action to reduce SF6 emissions
from transmission lines, the emission factor was assumed to remain constant over time to represent a worst-case scenario (Pacific Gas and Electric Company 2007).

**Page 4.3-89**

California’s waste stream profile, obtained from the CIWMB website, was used along with CH4 emission factors for a managed landfill obtained from the International Council for Local Environmental Initiatives Clean Air and Climate Protection Software (Version 1.1) to calculate annual CH4 emissions resulting from the waste generated by Tejon Mountain Village in 2030 (California Integrated Waste Management Board 2008a; Appendix D-90). Annual GHG emissions from solid waste generation for residential and commercial land uses are 1,087 metric tons of CO2e.

**Page 4.3-181**

**Mitigation Measure 4.3-18:** Prior to the issuance of building final occupancy permits for residential or commercial construction (with the exception of the gate house, and sales and marketing facility), a focused greenhouse gas report shall be submitted that identifies the measures (regulatory or applicant-implemented, in all sectors relevant to project GHG emissions, including but not limited to cleaner fuels and more efficient cars and trucks, cleaner energy from the grid, more energy-efficient building materials and standards used onsite, emission offsets, applicant-funded offsite energy conservation improvements to existing homes and structures, etc.) to confirm that the project is reducing by 29% in relation to business as usual (2008 base year) its CO2 equivalent emissions as quantified in the Draft Environmental Impact Report and applied to the final number of houses or square footage and type of commercial constructed for each site. The focused greenhouse gas report shall be submitted to the San Joaquin Valley Air Pollution Control District for review and comment regarding the methodology used to quantify greenhouse gas reductions. The report can be for an individual house, multiple structures, or for a phase of a tract. Any mitigation program for the reduction of greenhouse gases adopted by Kern County that can be implemented for the specific project site and that provides equal or more effective mitigation than this mitigation measure can be utilized by the applicant as a replacement for the requirements of this mitigation measure. In addition, the project shall comply with any Climate Change Action Plan that is adopted by the Board of Supervisors prior to issuance of building permits and any other relevant State or Federal regulations on climate change.

**Section 4.3, Tables 4.3-18, 4.3-22, 4.3-40, 4.3-42, 4.3-43, 4.3-44, and 4.3-45**

A separate analysis of school bus trips from the Project site to Arvin for the year 2030 was performed to evaluate emissions impacts associated with this route. Daily VMT for school buses traveling from TMV to Arvin for the year 2030 is estimated to be 2,280 miles, which represents 0.2% of total VMT for the Project in 2030 (Austin-Foust Associates, 2009). Emissions were calculated using EMFAC 2007 school bus emission factors assuming 180 annual school days. Annual emissions from these bus trips at full buildout (2030) would be 0.17 tons of ROG, 2.29 tons of NOx, 1.54 tons of CO, 0.01 tons of SO2x, 0.17 tons of PM10, 0.15 tons of PM2.5, and 571 metric tons of CO2e, as illustrated below.
Annual School Bus Emissions at Buildout – Criteria Pollutant Emissions

<table>
<thead>
<tr>
<th>Source</th>
<th>$\text{ROG}$ (tons/yr)</th>
<th>$\text{NO}_x$ (tons/yr)</th>
<th>$\text{CO}$ (tons/yr)</th>
<th>$\text{SO}_2$ (tons/yr)</th>
<th>$\text{PM}_{10}$ (tons/yr)</th>
<th>$\text{PM}_{2.5}$ (tons/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Buses</td>
<td>0.17</td>
<td>2.29</td>
<td>1.54</td>
<td>0.01</td>
<td>0.17</td>
<td>0.15</td>
</tr>
</tbody>
</table>


Annual School Bus Emissions at Buildout – Greenhouse Gas Emissions

<table>
<thead>
<tr>
<th>Source</th>
<th>$\text{CO}_2$ (lb/yr)</th>
<th>$\text{CH}_4$ (lb/yr)</th>
<th>$\text{N}_2\text{O}$ (lb/yr)</th>
<th>$\text{CO}_2\text{e}$ (metric tons/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Buses</td>
<td>1,257,911</td>
<td>4.61</td>
<td>4.34</td>
<td>571.3</td>
</tr>
</tbody>
</table>


As demonstrated above, the revised estimates result in only a small increase in emissions compared to the pre-mitigation analysis presented in the Draft EIR. Moreover, total Project emissions of criteria pollutants are subject to Mitigation Measure 4.3-1, which limits the Project's emissions of NOx and PM10 within the San Joaquin Valley Air Basin (SJVAB) to no more than two tons per year, and the Project applicant has entered a Voluntary Emission Reduction Agreement, which commits the Project to fully offset all of its NOx, ROG and PM emissions within the SJVAB. With respect to greenhouse gases, Mitigation Measure 4.3-18 commits the Project to reducing overall Project emissions by at least 29% below business as usual emissions. Therefore, the addition of emissions from school buses does not alter any conclusions in the Draft EIR.

In order to reflect this analysis, six tables in the Draft EIR have been revised. Revision of the tables that follow reflects the estimates in the Draft EIR that are most directly affected by the additional emissions estimates. Accordingly, for ease of readership, the rest of Section 4.3, AIR QUALITY AND CLIMATE CHANGE has not been revised to reflect the addition of school bus emissions.
### Table 4.3-18. Total Project Criteria Operations Emissions at Buildout

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG (tons/yr)</th>
<th>NOX (tons/yr)</th>
<th>CO (tons/yr)</th>
<th>SO2 (tons/yr)</th>
<th>PM10 (tons/yr)</th>
<th>PM2.5 (tons/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Sources(^a)</td>
<td>71.5</td>
<td>39.5</td>
<td>423.1</td>
<td>3.7</td>
<td>66.8</td>
<td>64.1</td>
</tr>
<tr>
<td>Stationary Sources(^b)</td>
<td>0.3</td>
<td>4.0</td>
<td>2.3</td>
<td>0.3</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>NSR Sources(^c)</td>
<td>3.1</td>
<td>4.00.0</td>
<td>2.30.0</td>
<td>0.30.0</td>
<td>0.40.0</td>
<td>0.40.0</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>40.4</td>
<td>56.358.6</td>
<td>582.4</td>
<td>1.7</td>
<td>163.4</td>
<td>34.334.4</td>
</tr>
<tr>
<td>Total Project Emissions</td>
<td>115.3</td>
<td>99.8</td>
<td>1,007.5</td>
<td>5.7</td>
<td>230.2</td>
<td>98.498.6</td>
</tr>
</tbody>
</table>

**Significance Threshold?**
- Yes
- Yes
- --
- Yes--
- --
- Yes
- --

**Notes**
- To ensure a conservative estimate of emissions, it was assumed that the project would use propane because propane has greater criteria pollutant emission factors than natural gas.
- Net mobile source emissions are presented; only 29.0% of these emissions would occur in the SJVAB (the remainder would occur in the SCAB) (Austin-Foust Associates 2009).
- Area sources include residential propane combustion, landscaping, architectural coatings, consumer products, restaurant charbroiling, helipad, and golf course maintenance.
- Stationary sources include commercial propane combustion.
- NSR sources include emission sources subject to New Source Review including the water reclamation and treatment facilities, gas station, and dry cleaner.

**Source:** Appendix D-4.
Table 4.3-22. Mitigated Project Operational Emissions at Buildout

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG (tons/yr)</th>
<th>NOX (tons/yr)</th>
<th>CO (tons/yr)</th>
<th>SOX (tons/yr)</th>
<th>PM_{10} (tons/yr)</th>
<th>PM_{2.5} (tons/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigated Area Source Emissions&lt;sup&gt;a&lt;/sup&gt;</td>
<td>28.2</td>
<td>24.1</td>
<td>33.8</td>
<td>1.8</td>
<td>1.7</td>
<td>1.6</td>
</tr>
<tr>
<td>Mitigated Stationary Source Emissions&lt;sup&gt;b&lt;/sup&gt;</td>
<td>0.2</td>
<td>3.0</td>
<td>1.7</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Mitigated NSR Source Emissions&lt;sup&gt;c&lt;/sup&gt;</td>
<td>3.1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mitigated Mobile Source Emissions</td>
<td>40.4 40.6</td>
<td>56.3 58.6</td>
<td>582.1</td>
<td>1.7</td>
<td>163.4</td>
<td>34.3 334.4</td>
</tr>
<tr>
<td>Confirmed VERA Reductions</td>
<td>(1.1)</td>
<td>(17.1)</td>
<td>-</td>
<td>-</td>
<td>(0.3)</td>
<td>-</td>
</tr>
<tr>
<td>Total Mitigated Emissions&lt;sup&gt;d&lt;/sup&gt;</td>
<td>70.8 71.0</td>
<td>66.2 69.6</td>
<td>647.6</td>
<td>3.8</td>
<td>164.7</td>
<td>35.9 36.0</td>
</tr>
<tr>
<td>Significance Threshold</td>
<td>10.0</td>
<td>10.0</td>
<td>—</td>
<td>45.0</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Significant Impact&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>—</td>
</tr>
<tr>
<td>Total VERA Operational Reduction Requirements</td>
<td>54.5 551.7</td>
<td>44.2 446.6</td>
<td>-</td>
<td>-</td>
<td>54.0 51.2</td>
<td>-</td>
</tr>
<tr>
<td>Estimated Reductions from Biodiesel and Container Trip Reduction Facility&lt;sup&gt;e&lt;/sup&gt;</td>
<td>(25.9)</td>
<td>(58.9)</td>
<td>(180.6)</td>
<td>(11)</td>
<td>(19.5)</td>
<td>-</td>
</tr>
</tbody>
</table>

Notes
VERA reductions to date include only emission reductions from the engine electrification program, which has been certified and approved by the SJVAPCD. To ensure a conservative estimate of emissions, it was assumed that the project would use propane because propane has greater criteria pollutant emission factors than natural gas. Net mobile source emissions are presented in this table; only 29.0% of these emissions would occur in the SJVAB (the remainder would occur in the SCAB) (Austin-Foust Associates 2009).

<sup>a</sup> Area source emissions include residential propane combustion, landscaping, architectural coatings, consumer products, restaurant charbroiling, helipad, and golf course maintenance.

<sup>b</sup> Stationary source emissions include commercial propane combustion.

<sup>c</sup> NSR source emissions include those subject to New Source Review including the water reclamation and treatment facilities, gas station, and dry cleaner.

<sup>d</sup> Mitigated figure and significance conclusions do not reflect Mitigation Measure 4.3-1, which commits the project to reducing NOX and PM_{10} emissions to no more than 2 tons per year within the SJVAB.

<sup>e</sup> These numbers include the total expected emissions reductions from these two facilities within both the SJVAB and the SCAB. While the VERA requires only reductions within the SJVAB, if implemented, the container trip reduction facility is expected to result in emissions reductions within the SCAB as well.

Source: Appendix D-4.
Table 4.3-40. 2020 Emissions Projections—Tejon Mountain Village, Kern County, and San Joaquin Valley Air Basin (tons/year)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tejon Mountain Village</td>
<td>70.871.0</td>
<td>90.2101.5</td>
<td>663.3</td>
<td>3.1</td>
<td>245.4</td>
<td>71.571.7</td>
</tr>
<tr>
<td>Unmitigated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>56.256.4</td>
<td>55.057.3</td>
<td>529.6</td>
<td>2.2</td>
<td>298.4</td>
<td>22.522.7</td>
</tr>
<tr>
<td>Mitigated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kern County</td>
<td>33,726.0</td>
<td>30,623.5</td>
<td>69,423.0</td>
<td>1,934.5</td>
<td>19,235.5</td>
<td>6,935.0</td>
</tr>
<tr>
<td>San Joaquin Valley Air</td>
<td>211,663.5</td>
<td>119,063.0</td>
<td>487,567.0</td>
<td>11,351.5</td>
<td>125,888.5</td>
<td>47,961.0</td>
</tr>
<tr>
<td>Basin</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kern County Percent of</td>
<td>16%</td>
<td>26%</td>
<td>14%</td>
<td>17%</td>
<td>15%</td>
<td>14%</td>
</tr>
<tr>
<td>SJVAB</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>0.21%</td>
<td>0.32%</td>
<td>0.96%</td>
<td>0.16%</td>
<td>1.28%</td>
<td>1.03%</td>
</tr>
<tr>
<td>Unmitigated Percent of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kern County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>0.03%</td>
<td>0.08%</td>
<td>0.14%</td>
<td>0.03%</td>
<td>0.20%</td>
<td>0.15%</td>
</tr>
<tr>
<td>Unmitigated Percent of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SJVAB</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>0.17%</td>
<td>0.18%</td>
<td>0.76%</td>
<td>0.12%</td>
<td>0.51%</td>
<td>0.32%</td>
</tr>
<tr>
<td>Mitigated Percent of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kern County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>0.03%</td>
<td>0.05%</td>
<td>0.11%</td>
<td>0.02%</td>
<td>0.08%</td>
<td>0.05%</td>
</tr>
<tr>
<td>Mitigated Percent of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SJVAB</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: The emission estimates for Kern County and the SJVAB are based on 2020 projections. The Tejon Mountain Village emission estimates are for the expected buildout year of 2020. Tejon Mountain Village emissions could be 30% to 40% lower in 2020 as cleaner, less polluting vehicles replace vehicles with higher emissions. Mobile source emissions from Tejon Mountain Village occur in multiple air basins; only 29.0% occur in the SJVAB. The remainder occurs in the SCAB (Austin-Faust Associates 2009). Tejon Mountain Village mitigated emissions incorporate mitigation including confirmed VERA emission reductions from the engine electrification program, which has been certified and approved by the SJVAPCD.

Source: Appendix D-4.
Table 4.3-42. Annual (2030) Operational GHG Emissions Associated with Tejon Mountain Village (unmitigated)

<table>
<thead>
<tr>
<th>Source Type</th>
<th>Emissions Type</th>
<th>CO₂ (lb/yr)</th>
<th>CH₄ (lb/yr)</th>
<th>N₂O (lb/yr)</th>
<th>HFC (lb/yr)</th>
<th>PFC (lb/yr)</th>
<th>SF₆ (lb/yr)</th>
<th>CO₂e (metric tons/yr)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Electricity</td>
<td>11,720,860</td>
<td>161</td>
<td>89</td>
<td>—</td>
<td>—</td>
<td>8.3</td>
<td>5,421</td>
</tr>
<tr>
<td></td>
<td>Propane</td>
<td>61,408,977</td>
<td>969</td>
<td>4,363</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>28,477</td>
</tr>
<tr>
<td></td>
<td>Area Source²</td>
<td>27,960</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>73,157,797</td>
<td>1,130</td>
<td>4,451</td>
<td>—</td>
<td>—</td>
<td>8.3</td>
<td>33,911</td>
</tr>
<tr>
<td>Commercial³</td>
<td>Electricity</td>
<td>4,999,454</td>
<td>68</td>
<td>38</td>
<td>—</td>
<td>—</td>
<td>3.5</td>
<td>2,312</td>
</tr>
<tr>
<td></td>
<td>Propane</td>
<td>7,772,278</td>
<td>123</td>
<td>552</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>3,604</td>
</tr>
<tr>
<td></td>
<td>Area Source²</td>
<td>7,080</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>12,778,812</td>
<td>191</td>
<td>590</td>
<td>—</td>
<td>—</td>
<td>3.5</td>
<td>5,920</td>
</tr>
<tr>
<td>Buildings Total</td>
<td></td>
<td>85,936,609</td>
<td>1,321</td>
<td>5,041</td>
<td>—</td>
<td>—</td>
<td>11.8</td>
<td>39,830</td>
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<tr>
<td>Municipal Water Supply</td>
<td>2,524,272</td>
<td>35</td>
<td>19</td>
<td>—</td>
<td>—</td>
<td>1.8</td>
<td>1,167</td>
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</tr>
<tr>
<td>Water Distribution</td>
<td>560,379</td>
<td>8</td>
<td>4</td>
<td>—</td>
<td>—</td>
<td>0.4</td>
<td>259</td>
<td></td>
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<tr>
<td>Waste Generation⁴</td>
<td>190,591</td>
<td>521</td>
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<td>—</td>
<td>—</td>
<td>—</td>
<td>1,889</td>
<td></td>
</tr>
<tr>
<td>Wastewater Treatment</td>
<td>—</td>
<td>76,742</td>
<td>2,282</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1,052</td>
<td></td>
</tr>
<tr>
<td>Public Lighting</td>
<td>726,781</td>
<td>11</td>
<td>6</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>331</td>
<td></td>
</tr>
<tr>
<td>Municipal Total</td>
<td></td>
<td>3,811,431</td>
<td>267,376</td>
<td>2,832</td>
<td>—</td>
<td>—</td>
<td>2.2</td>
<td>4,698</td>
</tr>
<tr>
<td>Mobile⁵     Helipad Use</td>
<td>1,193</td>
<td>0.033</td>
<td>0.037</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Refrigeration and Air Conditioning</td>
<td>—</td>
<td>—</td>
<td>1,278</td>
<td>—</td>
<td>—</td>
<td>1,676</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Total</td>
<td></td>
<td>1,193</td>
<td>0.033</td>
<td>0.037</td>
<td>1,278</td>
<td>—</td>
<td>—</td>
<td>1,677</td>
</tr>
<tr>
<td>Grand Total⁶</td>
<td></td>
<td>448,554,940</td>
<td>276,678</td>
<td>37,076</td>
<td>1,278</td>
<td>—</td>
<td>14</td>
<td>213,139</td>
</tr>
</tbody>
</table>

¹ Emissions of HFCs and PFCs were estimated in CO₂e emissions and cannot be disaggregated. Numbers are rounded.
² Area source emissions include landscaping. URBEMIS estimates CO₂ emissions from wood hearths to be 9,678 metric tons; GHG emissions from wood-burning hearths are considered net carbon neutral in this study and are not included in the project’s overall inventory. Project mitigation specifies that wood-burning hearths shall be prohibited in all structures.
³ Includes hotel rooms, fire station, ranch compound, equestrian center, wastewater and water treatment, and golf courses.
⁴ Includes emissions from manure management and enteric fermentation from equestrian uses.
⁵ Includes on road and off-road sources.
<table>
<thead>
<tr>
<th>Source</th>
<th>Source Type</th>
<th>Emissions Type</th>
<th>CO₂ (lb/yr)</th>
<th>CH₄ (lb/yr)</th>
<th>N₂O (lb/yr)</th>
<th>HFC (lb/yr)</th>
<th>PFC (lb/yr)</th>
<th>SF₆ (lb/yr)</th>
<th>CO₂e (metric tons/yr)¹</th>
</tr>
</thead>
</table>

*Does not include land-use change or embodied emissions.

Source: Appendix D-9.
### Table 4.3-43. Annual (2030) Operational GHG Emissions Associated with the Tejon Mountain Village Project with Select Mitigation, Including Increased Energy Efficiency Requirement (25% more than 2008 Title 24)

<table>
<thead>
<tr>
<th>Source Type</th>
<th>Source Type</th>
<th>Emissions Type</th>
<th>CO₂ (lb/yr)</th>
<th>CH₄ (lb/yr)</th>
<th>N₂O (lb/yr)</th>
<th>HFC (lb/yr)</th>
<th>PFC (lb/yr)</th>
<th>SF₆ (lb/yr)</th>
<th>CO₂e (metric tons/yr)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Electricity</td>
<td></td>
<td>8,790,645</td>
<td>120</td>
<td>66</td>
<td>—</td>
<td>—</td>
<td>6.2</td>
<td>4,065</td>
</tr>
<tr>
<td></td>
<td>Propane</td>
<td></td>
<td>46,056,733</td>
<td>727</td>
<td>3,272</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>21,358</td>
</tr>
<tr>
<td></td>
<td>Area Source²</td>
<td></td>
<td>27,960</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>54,875,337</td>
<td>848</td>
<td>3,339</td>
<td>—</td>
<td>—</td>
<td>6.2</td>
<td>25,436</td>
</tr>
<tr>
<td>Buildings</td>
<td>Electricity</td>
<td></td>
<td>3,749,590</td>
<td>51</td>
<td>28</td>
<td>—</td>
<td>—</td>
<td>2.7</td>
<td>1,734</td>
</tr>
<tr>
<td></td>
<td>Propane</td>
<td></td>
<td>5,829,209</td>
<td>92</td>
<td>414</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>2,225</td>
</tr>
<tr>
<td></td>
<td>Area Source²</td>
<td></td>
<td>7,080</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>9,585,879</td>
<td>143</td>
<td>442</td>
<td>—</td>
<td>—</td>
<td>2.7</td>
<td>4,440</td>
</tr>
<tr>
<td>Residential</td>
<td>Electricity</td>
<td></td>
<td>3,749,590</td>
<td>51</td>
<td>28</td>
<td>—</td>
<td>—</td>
<td>2.7</td>
<td>1,734</td>
</tr>
<tr>
<td></td>
<td>Propane</td>
<td></td>
<td>5,829,209</td>
<td>92</td>
<td>414</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>2,225</td>
</tr>
<tr>
<td></td>
<td>Area Source²</td>
<td></td>
<td>7,080</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>9,585,879</td>
<td>143</td>
<td>442</td>
<td>—</td>
<td>—</td>
<td>2.7</td>
<td>4,440</td>
</tr>
<tr>
<td>Buildings Total</td>
<td></td>
<td></td>
<td>64,461,216</td>
<td>991</td>
<td>3,781</td>
<td>—</td>
<td>—</td>
<td>8.9</td>
<td>29,877</td>
</tr>
<tr>
<td>Municipal</td>
<td>Water Supply</td>
<td></td>
<td>2,524,272</td>
<td>35</td>
<td>19</td>
<td>—</td>
<td>—</td>
<td>1.8</td>
<td>1,167</td>
</tr>
<tr>
<td></td>
<td>Water Distribution</td>
<td></td>
<td>560,379</td>
<td>8</td>
<td>4</td>
<td>—</td>
<td>—</td>
<td>0.4</td>
<td>259</td>
</tr>
<tr>
<td></td>
<td>Waste Generation⁴</td>
<td></td>
<td>—</td>
<td>190,591</td>
<td>521</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1,889</td>
</tr>
<tr>
<td></td>
<td>Wastewater Treatment</td>
<td></td>
<td>—</td>
<td>76,742</td>
<td>2,282</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1,052</td>
</tr>
<tr>
<td></td>
<td>Public Lighting</td>
<td></td>
<td>726,781</td>
<td>11</td>
<td>6</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>331</td>
</tr>
<tr>
<td>Municipal Total</td>
<td></td>
<td></td>
<td>3,811,431</td>
<td>267,375</td>
<td>2,826</td>
<td>—</td>
<td>—</td>
<td>2.2</td>
<td>4,698</td>
</tr>
<tr>
<td>Mobile⁵</td>
<td></td>
<td></td>
<td>357,547,796</td>
<td>7,965</td>
<td>29,199</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>166,363</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>358,805,707</td>
<td>7,970</td>
<td>29,203</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>166,934</td>
</tr>
<tr>
<td>Other</td>
<td>Helipad Use</td>
<td></td>
<td>1,193</td>
<td>0.033</td>
<td>0.037</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Refrigeration and Air Conditioning</td>
<td></td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1,278</td>
<td>—</td>
<td>—</td>
<td>1,676</td>
</tr>
<tr>
<td>Other Total</td>
<td></td>
<td></td>
<td>1,193</td>
<td>0.033</td>
<td>0.037</td>
<td>1,278</td>
<td>—</td>
<td>—</td>
<td>1,677</td>
</tr>
<tr>
<td>Grand Total⁶</td>
<td></td>
<td></td>
<td>427,079,547</td>
<td>276,348</td>
<td>35,816</td>
<td>1,278</td>
<td>—</td>
<td>11.1</td>
<td>203,186</td>
</tr>
</tbody>
</table>

Note: All residential and commercial hearths must use natural gas or propane. Wood-burning hearths/fireplaces are prohibited in all structures.

¹ Emissions of HFCs and PFCs were estimated in CO₂e emissions and cannot be disaggregated. Numbers are rounded.

² Area source emissions include landscaping. In addition, GHG emissions from wood-burning hearths are considered net carbon neutral in this study and are not included in the project’s overall inventory. Project mitigation specifies that wood-burning hearths shall be prohibited in all structures.

⁴ Includes hotel rooms, fire station, ranch compound, equestrian center, wastewater and water treatment, helipad use, and other.

⁵ Includes refrigeration and air conditioning.

⁶ Grand total includes all categories.
### Source and Emissions Summary

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>Emissions Type</th>
<th>CO₂ (lb/yr)</th>
<th>CH₄ (lb/yr)</th>
<th>N₂O (lb/yr)</th>
<th>HFC (lb/yr)</th>
<th>PFC (lb/yr)</th>
<th>SF₆ (lb/yr)</th>
<th>CO₂e (metric tons/yr)¹</th>
</tr>
</thead>
</table>

1. Includes emissions from manure management and enteric fermentation from equestrian uses.
2. Includes on road and off-road sources.
3. Does not include land-use change or embodied emissions.
Table 4.3-44. Total Project-Related GHG Emissions from Construction and 1 Year of Operation (2030) of the Tejon Mountain Village Project with Select Mitigation, Including Increased Energy Efficiency Requirement (25% more than 2008 Title 24 Requirement)

<table>
<thead>
<tr>
<th>Emissions Type</th>
<th>Source</th>
<th>CO₂e (metric tons)</th>
<th>Percent of CO₂e Emissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Time Emissions¹</td>
<td>Construction Equipment</td>
<td>293,716</td>
<td>100%</td>
</tr>
<tr>
<td>Total (40 years)²</td>
<td></td>
<td>293,716</td>
<td>100%</td>
</tr>
<tr>
<td>Total (annualized)³</td>
<td></td>
<td>7,343</td>
<td>N/A</td>
</tr>
<tr>
<td>Annual Mitigated Emissions⁵</td>
<td>Residential</td>
<td>25,436</td>
<td>12.6% 12.5%</td>
</tr>
<tr>
<td>Commercial⁴</td>
<td></td>
<td>4,440</td>
<td>2.2%</td>
</tr>
<tr>
<td>Municipal</td>
<td></td>
<td>4,698</td>
<td>2.3%</td>
</tr>
<tr>
<td>Mobile⁶</td>
<td></td>
<td>166,363166,934</td>
<td>82.1% 82.2%</td>
</tr>
<tr>
<td>Other⁷</td>
<td></td>
<td>1,677</td>
<td>0.8%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>202,614203,185</td>
<td>100.0%</td>
</tr>
<tr>
<td>Annualized Unmitigated Total</td>
<td></td>
<td>249,910220,482</td>
<td>N/A</td>
</tr>
<tr>
<td>Emission Reductions⁸</td>
<td></td>
<td>9,954</td>
<td>N/A</td>
</tr>
<tr>
<td>Confirmed VERA Reductions⁹</td>
<td></td>
<td>1,146</td>
<td>N/A</td>
</tr>
<tr>
<td>Annualized Mitigated Total</td>
<td></td>
<td>208,811209,382</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Note: All residential and commercial hearths must use natural gas or propane. Wood-burning hearths/fireplaces are prohibited in all structures.

¹ Does not include land-use change or embodied emissions due to the large range of associated uncertainty. Please see Appendix B of Appendix D-9 for more information on these sources.
² The project lifetime is assumed to be 40 years (likely conservative).
³ Amortized over the projected 40-year lifetime of the project. One-time annualized emissions are 3.5% of total annual mitigated emissions.
⁴ Includes hotel rooms, fire station, ranch compound, equestrian center, wastewater and water treatment, and golf courses.
⁵ To ensure a conservative estimate of emissions, it was assumed that the project would use propane since propane has greater GHG emission factors than natural gas. Includes reductions associated with the increased energy efficiency requirement (25% more than 2008 Title 24). GHG emissions from wood-burning hearths are considered net carbon neutral in this study and are not included in the project’s overall inventory. Project mitigation specifies that wood-burning hearths shall be prohibited in all structures.
⁶ Includes on-road and off-road sources.
⁷ Includes helipad use and HFC emissions from refrigeration and air conditioning.
Table 4.3-45. Annual Tejon Mountain Village GHG Emissions in California, U.S., and Global Context

<table>
<thead>
<tr>
<th>Emissions Type</th>
<th>CO$_2$e (metric tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tejon Mountain Village Annualized Construction GHG Emissions (40-year amortization period)</td>
<td>7,343</td>
</tr>
<tr>
<td>Tejon Mountain Village Mitigated Operational GHG Emissions</td>
<td>202,614</td>
</tr>
<tr>
<td>Total Annual Tejon Mountain Village GHG Emissions</td>
<td>208,811</td>
</tr>
<tr>
<td>California Statewide GHG Emissions in 2004</td>
<td>484,000,000</td>
</tr>
<tr>
<td>United States GHG Emissions in 2004</td>
<td>7,078,000,000</td>
</tr>
<tr>
<td>Global GHG Emissions in 2004</td>
<td>49,000,000,000</td>
</tr>
</tbody>
</table>

Source: Appendix D-9D-7.

**Page 4.3-163**

Table 4.3-33. TAZ Numbers 694, 836, 963, 964, and 965 Projected Employment Growth
The table indicates that approximately 1,383 jobs are projected by Kern COG in TAZ Numbers 694, 836, 963, 964, and 965 by the year 2030. It is anticipated that the project would be built out in the year 2028. In contrast, a total of 1,48976 jobs would be created in 2030 as a result of the proposed project and existing jobs within the TAZs in which the proposed project lies. Thus, the job growth resulting from the proposed project would exceed the Kern COG projections.

### Table 4.3-35. Regional TAZ Projected Employment Growth

<table>
<thead>
<tr>
<th>TAZ</th>
<th>LATM Employment(^1)</th>
<th>2030 Projected Employment(^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>694</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>836</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>963</td>
<td>0</td>
<td>749</td>
</tr>
<tr>
<td>964</td>
<td>1,488(^2)</td>
<td>274</td>
</tr>
<tr>
<td>965</td>
<td>1</td>
<td>340</td>
</tr>
<tr>
<td>Project Subtotal</td>
<td>1,489(^2)</td>
<td>1,383</td>
</tr>
<tr>
<td>897</td>
<td>572</td>
<td>30</td>
</tr>
<tr>
<td>960</td>
<td>0</td>
<td>246</td>
</tr>
<tr>
<td>961</td>
<td>1,324</td>
<td>437</td>
</tr>
<tr>
<td>962</td>
<td>36</td>
<td>376</td>
</tr>
<tr>
<td>632</td>
<td>0</td>
<td>144</td>
</tr>
<tr>
<td>633</td>
<td>0</td>
<td>126</td>
</tr>
<tr>
<td>896</td>
<td>0</td>
<td>27</td>
</tr>
<tr>
<td>898</td>
<td>0</td>
<td>50</td>
</tr>
</tbody>
</table>

1. As used in the LATM for the traffic study. Land use data from LATM converted to demographics (includes proposed project).
2. From Kern COG Traffic Mode, 2005.
As Table 4.3-35 indicates, approximately 2,819 jobs are projected by Kern COG in the regional TAZs. Approximately 3,42108 jobs would be present in 2030 as a result of all projects and existing jobs within the regional TAZs. Thus, the number of jobs resulting from regional employment growth would exceed Kern COG projections by 602589 jobs or 21%.

**Page 4.3-187**

**Comparison with State, Global and Worldwide GHG Emissions**

Construction and operation of the proposed project would generate both one-time and ongoing GHG emissions that are small in comparison with either California, U.S., or global emissions. Table 4.3-45 presents total Tejon Mountain Village emissions, including both operational and an annualized value for construction emissions, assuming a 40-year project lifetime, with implementation of quantifiable mitigation measures (i.e., commitments beyond 2008 Title 24 Standards and engine replacement program). Total Tejon Mountain Village project GHG emissions presented on this basis are projected to be 208,811 metric tons of CO2e per year. This total value is approximately 0.04%0.0004% of California statewide emissions in 2004, which totaled 484 million metric tons CO2e. Tejon Mountain Village emissions are just 0.003% 0.00003% of United States GHG emissions in 2004. In the global context, Tejon Mountain Village emissions represent approximately 0.0004% 0.000004% of 2004 worldwide GHG emissions. Therefore, while Tejon Mountain Village is a large project that would constitute a new source of GHG emissions, it would have only a miniscule impact on state, federal, and international emissions of GHGs.

**Page 4.4-79**

The Tejon Mountain Village Design Guidelines (Appendix B of Appendix B-1) prohibit the use of invasive or other undesirable landscaping plants to protect existing vegetation and control invasive plant species. The Tejon Mountain Village Framework Resource Management Plan (Appendix C of Appendix B-1) includes resource preservation criteria for wildlife resources and sensitive plants.

**Page 4.4-80**

The Tejon Mountain Village Framework Resource Management Plan (Appendix C of Appendix B-1) includes resource preservation criteria for wildlife resources and sensitive plants. An ongoing environmental educational outreach program will be implemented to disseminate information about natural resource issues within the project and the larger Tejon Ranch.
Page 4.4-97

Approximately 131,947 acres of Tejon Ranch, including in-holdings not owned by TRC, were designated by the USFWS in 1976 as condor critical habitat under the FESA, including approximately 189,000 acres within the 26,417-acre Tejon Mountain Village Specific Plan area are within portions of the Ranch that contain critical habitat. Of this amount, approximately 4,800 acres of the proposed Project’s development envelope is within critical habitat. Under FESA, critical habitat means geographical areas that may be occupied or unoccupied by a species and that possess physical or biological features that are “essential to the conservation of the species” and may require “special management considerations or protection” by the federal government. The FESA requires that, prior to taking an action that may affect critical habitat, any federal agency that has jurisdiction within designated critical habitat must consult with the USFWS to determine if proposed activities by that agency, or authorized by that agency, could destroy or adversely modify critical habitat. Appendix I, “Tejon Ranch California Condor Conservation and Management Plan” of the “Tejon Mountain Village Biological Resources Technical Report” (Appendix E-1), includes a thorough overview of condor critical habitat within southern California, the nature of the portion of critical habitat within Tejon Ranch (including Tejon Mountain Village), and why proposed development associated with the project would not adversely modify this habitat pursuant to the FESA. The following discussions summarize this analysis.

Critical habitat acreage within the Tejon Mountain Village Specific Plan boundary is approximately 3.0% of the total 605,190 acres of condor critical habitat designated by the USFWS in 1976 (41 FR 41914–41916). At full build-out, the Tejon Mountain Village Specific Plan area would directly impact a maximum of approximately 4,800 acres of designated critical habitat within the project site, or 3.6% of the total critical habitat designated within Tejon Ranch, and 0.796% of all condor critical habitat within California. Over 96% of the designated critical habitat within the Tejon Ranch would be unaffected by the project.

Page 4.4-119

Mitigation Measure 4.4-3: Tejon Mountain Village, LLC shall retain professional environmental education specialists to create and disseminate a condor educational curriculum that shall include information concerning the life history of the California condor, where condors potentially occur within the Tejon Mountain Village site, prohibited behaviors related to condors such as the pursuit, capture, harassment, and all other potential direct interaction of the species. The information shall also identify types of microtrash that could be ingested by adult breeding condors and describe measures to eliminate microtrash on and near all construction sites, recreational areas, roads, and backcountry locations where human presence has occurred. The education program shall include training of key personnel at the Ranch, appropriate signage at trailheads or entrances to project open space areas, and dissemination of pertinent information at onsite nature centers or other public areas. The focus will be to educate all Tejon Mountain Village construction and work crews, residents, and guests, particularly those engaging in recreational activities such as hiking that could put them in close proximity to ridgelines and other areas that provide higher quality foraging habitat for California condors. Project Conservation Managers shall be empowered to take action to prevent any such activity under the terms of project conservation easements; covenants, conditions, and restrictions (CC&Rs); and similarly enforceable measures. Compliance with condor protection measures shall be enforced by means of CC&Rs recorded on each of the private parcels within the Tejon Mountain Village.
Specific Plan and Tejon Mountain Village Special Plan No. 1, Map 256 or by similarly enforceable measures.

Page 4.4-129

Mitigation Measure 4.4-23: Tejon Mountain Village, LLC shall retain professional environmental education specialists to create and disseminate a condor educational curriculum that shall include information concerning the life history of the California condor, where condors potentially occur within the Tejon Mountain Village site, prohibited behaviors related to condors such as the pursuit, capture, harassment, and all other potential direct interaction of the species. The information shall also identify types of microtrash that could be ingested by adult breeding condors and describe measures to eliminate microtrash on and near all construction sites, recreational areas, roads, and backcountry locations where human presence has occurred. The education program shall include training of key personnel at the Ranch, appropriate signage at trailheads or entrances to project open space areas, and dissemination of pertinent information at onsite nature centers or other public areas. The focus will be to educate all Tejon Mountain Village construction and work crews, residents, and guests, particularly those engaging in recreational activities such as hiking that could put them in close proximity to ridgelines and other areas that provide higher quality foraging habitat for California condors. Project Conservation Managers shall be empowered to take action to prevent any such activity under the terms of project conservation easements; covenants, conditions, and restrictions (CC&Rs); and similarly enforceable measures. Compliance with condor protection measures shall be enforced by means of CC&Rs recorded on each of the private parcels within the Tejon Mountain Village Specific Plan and Tejon Mountain Village Special Plan No. 1, Map 256 or by similarly enforceable measures.

a. Special Management Area 1 is an avoidance area established for the protection of the aromatic canyon gooseberry.

b. Special Management Area 2 is an avoidance area established for the protection of the gypsum loving-larkspur.

c. Special Management Areas 3, 4, and 5 are avoidance areas established for the protection of Hoover’s eriastrum.

d. Special Management Areas 3, 4, and 6 are avoidance areas established for the protection of Kusche’s sandwort.

e. Special Management Area 7 is an avoidance area established for the protection of the small-flowered monkeyflower and aromatic canyon gooseberry.

f. Special Management Area 8 is a performance standard area established for the protection of the gypsum loving-larkspur.

g. Special Management Area 9 is an avoidance area established for the protection of the prairie falcon.
h. Special Management Area 10 is a performance standard area established for the protection of riparian, wetland and drainage areas and the special-status plants and animals in these areas.

i. Special Management Areas 11 through 121 are avoidance areas established for the protection of riparian, wetland, and drainage areas and the special-status plants and animals in these areas.

Page 4.4-135

Mitigation Measure 4.4-35: European starling monitoring, removal, and management methods shall be implemented if determined necessary by the project Biologist as identified in pursuant to the Tejon Mountain Village Framework Resource Management Plan (Appendix C of Appendix B-1). The plan shall be implemented if there is an abundance of European starling within 500 feet of suitable habitat for purple martin and Lewis’s woodpecker. The abundance of the starling will be based upon monitoring efforts conducted by the project Conservation Managers during the breeding season of the starling, or the presence of large winter flock sizes. Prior to implementation, the project Conservation Managers shall develop a management plan that shall specify, at a minimum, the methods for capturing European starlings and the process for euthanizing captured European starlings (e.g., humane euthanasia according to American Veterinary Medical Association [2007] Guidelines).

Mitigation Measure 4.4-36: The covenants, conditions, and restrictions shall provide that property owners keep trash in covered containers that are fitted with animal- and weather-proof lids in order to prevent artificially increasing the populations of non-native rats, opossums, raccoons, skunks, and other mesopredators; discourage special-status wildlife species, such as California condor, from foraging on trash; and discourage other wildlife species, such as bears, from foraging on trash; reduce negative interactions between wildlife and humans and pets; and reduce vehicle collisions with wildlife. As identified provided in the Tejon Mountain Village Framework Resource Management Plan (Appendix C of Appendix B-1), the Property Owners Association Manager, in coordination with the project Conservation Managers, shall supply educational information to residents on the benefits of trash receptacles fitted with animal- and weather-proof lids. The Property Owners Association Manager shall also periodically monitor receptacles for compliance.

Page 4.4-138

Mitigation Measure 4.4-39: Surface areas disturbed by subsurface utility installations shall be restored to pre-construction habitat types to the maximum extent feasible, as determined by the Project Biologist. Utilities constructed within or adjacent to roadways and other previously disturbed right-of-way areas shall be resurfaced consistent with these ongoing right-of-way uses.
Table 4.4-73. Short-Term Impacts to American White Pelican

<table>
<thead>
<tr>
<th>American white pelican</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Pelecanus erythrorhynchos</em></td>
<td>Not threatened or endangered under FESA or CESA.</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not observed during 2007 surveys. It was observed in prior surveys (Jones & Stokes 2006b; Appendix E-3E-1). The species is not expected to nest on site due to its range and/or habitat requirements for breeding.

There is minimal potentially suitable foraging habitat on the project site. This species could use Castac Lake, which is located adjacent to the project site, for foraging and migration. This species is known to forage in shallow marshes, rivers, and lake edges (Knopf and Evans 2004). No suitable nesting habitat for this species exists on the project site.

**Short-Term Impacts**

Short-term direct impacts from construction are considered *less than significant* due to the minimal suitable habitat on the project site.

Construction activities could occur near Castac Lake. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially *significant* indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-22, 4.4-27, and 4.4-39 would reduce potential impacts to *less than significant*.

---

Table 4.4-140. Long-Term Impacts to American White Pelican

<table>
<thead>
<tr>
<th>American white pelican</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Pelecanus erythrorhynchos</em></td>
<td>Not threatened or endangered under FESA or CESA.</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not observed during 2007 surveys and was observed in prior surveys (Jones & Stokes 2006b; Appendix E-3E-1). The species is not expected to nest on site due to its range and/or habitat requirements for breeding.

There is minimal potentially suitable foraging habitat on the project site. This species could use Castac Lake, which is located adjacent to the project site, for foraging and migration. The species is known to forage in shallow marshes, rivers, and lake edges (Knopf and Evans 2004). No suitable nesting habitat for this species is present on the project site.

**Long-Term Impacts**

Long-term direct impacts to this species would be *less than significant* due to the minimal suitable habitat on the project site.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially *significant* long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; lighting; an increase in the abundance of urban-related mesopredators; hydromodification from...
American white pelican  
*Pelecanus erythrorhynchos*

**Status:**
Not threatened or endangered under FESA or CESA.
Other State: Species of Special Concern (DFG 2008b)

Increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to **less than significant**.

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**Page 4.4-430**

As described in more detail in Sections 3.5.2.1 and 4.5.2.1 of Appendix E-1, motion-sensitive cameras were deployed at several locations within the project to survey for the potential presence of ringtail cat. No ringtail cats were detected by the survey. The survey cameras captured several larger native species, including bobcat (photographed at 18 camera locations), coyote (42 locations), mule deer (71 locations), mountain lion (nine locations, primarily in Monroe Canyon to the northwest of the site), and black bear (nine locations, primarily in Bear Trap Canyon). Non-native Rocky Mountain elk were photographed at 15 locations, and non-native feral pigs were photographed at 85 locations.

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**Page 4.4-433**

**Wildlife Linkages in the Western Tehachapi Landscape**

The project is located in the western portion of the Tehachapi range (the western Tehachapi landscape). Most of the western Tehachapi landscape is owned by the Tejon Ranch Company. In June 2008, the Tejon Ranch Company and several environmental organizations executed a comprehensive Ranchwide Agreement that is applicable to all of the company’s landholdings (see Appendix J-1).

Figure 4.4-17 shows that the project’s preserved open space and the Tejon Ranch Company landholdings preserved under the Ranchwide Agreement jointly make up a contiguous, fully avoided wildlife linkage of approximately 178,000 acres. No public roads or commercial, residential, or industrial development of any kind would occur in this linkage. The wildlife linkage would include a contiguous, fully avoided block of land to the north of the project approximately 4 to 8 miles wide and 9 miles long. This portion of the linkage would connect directly with Interstate 5 underpasses and culverts documented to be the most heavily used by the larger high-mobility species and carnivores in the camera study (see Table 4.4-161). The areal extent of the wildlife linkage would increase to a total of approximately 240,000 acres if all potential acquisition areas in the Tehachapi landscape are acquired under the terms of the Ranchwide Agreement.
As discussed in Chapter 3, “Project Description,” the project’s development envelope would be limited to 7,867 acres of the 26,417-acre site. A maximum of 5,082 acres would be developed within the development envelope. The Tejon Mountain Village Specific Plan (Appendix B-1) identifies four land use categories that define the scope of development that could occur within the site: 1) Open Area (OA), where no development would occur; 2) Mountain Residential (MR), where only a very low dwelling unit density of up to 2 units per gross acre could occur; 3) Resort (R), where residential density of up to 10 units per gross acre and resort uses, such as hotels, golf courses, and ancillary retail, food, and beverage services, could occur; and 4) Village Mixed-Use (VM), where residential density of up to 30 units per gross acre and travel-oriented and resident-oriented services and recreational uses could occur (see Section 3.5.1).

The project would permanently protect 82% of the site’s oak-dominated habitat and 87% of the oak canopy, well in excess of the County-mandated 30% preservation requirement for oak-dominated habitats.

The Tejon Mountain Village Specific Plan boundary encompasses approximately 17,919 acres (13.6%) of the 131,652 acres of Tejon Ranch area critical habitat. Approximately 4,800 acres (3.6% of the total Tejon Ranch critical habitat area) of the total Tejon Mountain Village Specific Plan disturbance area lies within designated critical habitat. Of the approximately 7,870 – acre Tejon Mountain Village disturbance area boundary, only 5,082 acres would actually be impacted by development. Of this, only the 4,800 acre portion of the development envelope that includes critical habitat contains approximately 1,337 acres of habitat considered suitable as condor foraging habitat would be impacted, all of which is within the designated critical habitat boundary on Tejon Ranch. This loss represents only 1.0% of the total critical habitat within Tejon Ranch and 0.23% of the total 570,400 acres of condor critical habitat designated by the USFWS in 1976 (all of which is in southern California). Even if it is assumed that condor foraging activity would no longer occur within the entire portion of critical habitat located in the Tejon Mountain Village Specific Plan boundary development envelope, over 96% of the designated critical habitat within Tejon Ranch would not be affected by the project. Preserved critical habitat outside of the Tejon Mountain Village Specific Plan Project boundary includes approximately 87,255 acres of habitat within the uplands portion of Tejon Ranch considered of high value to condors because of its importance as foraging habitat, including the Tunis–Winters Ridge area, which is part of the 37,099-acre Condor Study Area and is known to have been heavily used by condors for foraging in the past and continues to experience high use by condors. For these reasons, the relatively small amount of critical habitat that would be impacted as a result of Tejon Mountain Village is not considered a significant cumulative impact on critical habitat statewide or within the Ranch.
## Feasible and Reasonable Mitigation Measures for Biological Resources Not Included in Draft EIR

<table>
<thead>
<tr>
<th>Possible Mitigation</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erect barriers to prevent non-native fish species intrusion into habitat.</td>
<td>There are no native fish that occur on the Tejon Mountain Village site; therefore, no significant impact to special-status fish species was identified related to non-native fish species intrusion and no equivalent measure is included. 4.4-13 requires the preparation and implementation of a Framework Resource Management Plan (FRMP), which would incorporate the management, monitoring, and funding for the benefit of special-status plants and wildlife and sensitive natural communities. The FRMP is included as Appendix C of Appendix B to this Draft EIR. Biological monitoring under the FRMP would be designed to identify potential effects of non-native species intrusions, including non-native fish. If non-native fish intrusions are identified, the appropriate management actions would be identified under the adaptive management structure of the FRMP.</td>
</tr>
<tr>
<td>conditions prohibiting non-leashed outdoor pets (including cats).</td>
<td>Control of stray and feral cats and dogs will be conducted in open space areas on an as-needed basis by the Project Conservation Managers as described in the RMP.</td>
</tr>
<tr>
<td>requirements that walls or fences inhibit domestic animals from harassing and harming native species including “cat-proof” fencing to prevent feral and house cats from accessing sensitive habitat.</td>
<td>Control of stray and feral cats and dogs will be conducted in open space areas on an as-needed basis by the Project Conservation Managers as described in the RMP.</td>
</tr>
<tr>
<td>use of gates to restrict access to lands set aside for habitat preservation.</td>
<td>4.4-13 – requires the preparation and implementation of a Framework Resource Management Plan, that would incorporate management, monitoring, and funding for the benefit of special-status plants and wildlife and sensitive natural communities. Biological monitoring under the FRMP would be designed to identify potential effects of human access within designated open space. If access issues are evident, the appropriate management actions will be identified under the adaptive management structure of the FRMP.</td>
</tr>
<tr>
<td>Mitigate for loss or degradation of riparian, stream, and general wildlife habitat.</td>
<td>4.4-12 and 4.4-13 – requires reporting under the framework resource management plan to document open space acreage dedication and describe management actions and monitoring results for the open space resources, including riparian, stream, and general wildlife habitat.</td>
</tr>
<tr>
<td>Mitigate for take of state- or federally listed threatened or endangered species and/or injury, mortality, or disturbance to other special-status species and wildlife.</td>
<td>4.4-12 and 4.4-13 – requires reporting under the framework resource management plan to document open space acreage dedication and describe management actions and monitoring results for the open space resources, including</td>
</tr>
</tbody>
</table>
Possible Mitigation | Disposition
--- | ---
Mitigate for interference with daily and seasonal animal movement and migration patterns. | 4.4-12 and 4.4-13 – requires reporting under the framework resource management plan to document open space acreage dedication and describe management actions and monitoring results addressing the maintenance of wildlife movement.

Mitigate for disturbance to wildlife from project related noise. | 4.4-12 and 4.4-13 – requires reporting under the framework resource management plan to document open space acreage dedication and describe management actions and monitoring results, which will include addressing indirect effects of the project on wildlife (e.g., project related noise).

The seasonal streams and drainages that are present within the project area should be identified, and an appropriate no disturbance buffer as measured from the tops of banks should be established and indicated on all approved project site plans. Construction, grading, equipment storage and laydown areas, lighting fencing, landscaping, vineyards, roads and driveways, etc. should be prohibited in this buffer area. | The framework resource management plan will provide long-term management and monitoring of seasonal streams and drainages.

Identification and purchase of mitigation areas, with establishment of effective long-term management should occur prior to any grading. | A framework resource management plan will be prepared that will provide for the long-term management of the open space.

Evaluate where and what type of wildlife crossing structures could be installed as part of any proposed mitigation. | 4.4-13 – implements a framework resource management plan that incorporates management, monitoring, and funding to benefit the special-status plants, wildlife, and vegetation communities, including riparian areas and wetlands, on Tejon Mountain Village.

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Page 4.5-2

**Early Man Period (approximately 50,000 to 12,000 years ago)**
Several sites in the southern California deserts—the most well known of which is Calico Hills—have been tentatively assigned to the Early Man Period, with relative dates ranging from 12,000 years ago to as far back as 50,000 years ago (Appendix F-1). Thus far, none of these Early Man sites have withstood scientific scrutiny, but it appears likely that humans first arrived in southern California about 12,000 years ago.

Page 4.5-21

The Tejon Mountain Village Framework Resources Management Plan (Appendix C of Appendix B-1) utilizes an overlay that identifies and avoids cultural resources within the project's
development envelope and identifies resource preservation criteria for cultural and paleontological resources throughout the site.

Page 4.5-24

Of these 58 identified sites, 24 are located outside of the proposed development envelope, including 6 that are outside the current project boundaries. The project’s direct impact to these sites would be minimal because these sites are located in permanent open space as identified on the Tejon Mountain Village Special Plan No. 1, Map 256. Table 4.5-2 is a listing of the archaeological sites outside the development envelope along with a brief description of the impact analysis. These sites do not require mitigation because impacts are considered less than significant.

Table 4.5-2. Archaeological Sites Located Outside the Development Envelope

<table>
<thead>
<tr>
<th>Site Trinomial</th>
<th>Potential Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA-KER-974</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-5357</td>
<td>None; located outside current site boundaries.</td>
</tr>
<tr>
<td>CA-KER-6706</td>
<td>None; located outside current site boundaries.</td>
</tr>
<tr>
<td>CA-KER-6707</td>
<td>None; located outside current site boundaries.</td>
</tr>
<tr>
<td>CA-KER-6708</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6713</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6714</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6715</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6717</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6723</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6729</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6730</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6732</td>
<td>None; located outside current site boundaries</td>
</tr>
<tr>
<td>CA-KER-6734H</td>
<td>None; located outside current site boundaries</td>
</tr>
<tr>
<td>CA-KER-6735H</td>
<td>None; located outside current site boundaries</td>
</tr>
<tr>
<td>CA-KER-6736</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
<tr>
<td>CA-KER-6738</td>
<td>None; located within site but outside development envelope; would be passively preserved in nondevelopment area.</td>
</tr>
</tbody>
</table>
### Table 4.5-3. Archaeological Sites Addressed in Phase II Testing

<table>
<thead>
<tr>
<th>Site Trinomial</th>
<th>Potential Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA-KER-4010</td>
<td>Phase II testing found that the site had been destroyed by natural erosional</td>
</tr>
<tr>
<td></td>
<td>processes, now lacks integrity, and is not significant or unique; however,</td>
</tr>
<tr>
<td></td>
<td>additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-4389</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-4391</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6710</td>
<td>Phase II test excavations found no archaeological remains of any kind; however,</td>
</tr>
<tr>
<td></td>
<td>remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6712</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6718</td>
<td>Phase II test excavations collected an isolated artifact; however, additional</td>
</tr>
<tr>
<td></td>
<td>remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6719</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6721</td>
<td>Phase I survey collected an isolated artifact; however, additional remains may be</td>
</tr>
<tr>
<td></td>
<td>uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6728</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6733H</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
<tr>
<td>CA-KER-6743</td>
<td>Phase II test excavations collected no scientifically consequential information;</td>
</tr>
<tr>
<td></td>
<td>however, additional remains may be uncovered or disturbed during development.</td>
</tr>
</tbody>
</table>
Mitigation Measure 4.5-3: Prior to ground disturbing activities, all earth-moving and excavation contractor employees shall attend a “tailgate” session informing them of the potential for inadvertently discovered cultural resources and/or human remains, and protection measures to be followed to prevent destruction of any and all cultural resources discovered on site. The applicant’s designated project construction manager, a qualified archaeologist, and a qualified cultural resource manager/monitor from a local California Native American tribe shall conduct the orientation. The orientation will include information regarding the potential for objects to occur on site, a summary of applicable environmental law, procedures to follow if potential cultural resources are found, and the measures to be taken if cultural resources and/or human remains are unearthed as part of the project. Within 14 days of the session, the project construction manager shall submit to the Kern County Planning Department Engineering and Survey Services Department a summary report that includes the following information:

a. When and where the session took place;
b. Topics discussed in the session; and
c. A session attendance roster signed by the employees at the tailgate session.

A copy of the report will be provided to the Southern San Joaquin Valley Information Center and maintained on site.

Pages 4.5-31 to 4.5-32

Mitigation Measure 4.54.6-20: Site CA-KER-4390, a prehistoric camp, is outside the development envelope and shall be passively preserved in place. The site and a 25-meter buffer shall be staked prior to any construction or grading within 100 meters of the site, with archaeological and/or Native American monitors present during any grubbing or topsoil grading work in the 100-meter area.

Page 4.6-11

The Garlock fault is a left-lateral strike-slip fault, meaning that when a person stands on one side of the fault, the other side moves horizontally to the left relative to their position during a slip event. Since initiation of the Garlock fault, total relative offset has been approximately 35 miles, with an average slip rate along the entire fault of 0.19 to 0.30 inches per year (Appendix G-2). The fault is interpreted to be broken into three segments (Appendix G-2). The western segment is present in the proposed project area. Better and more complete fault slip rate and recurrence data are available for the central and eastern segments than for the western segment; however, ECI, taking the geometric continuity of the fault into account, postulates a slip rate of 0.24 inches per year for estimating local recurrence and future seismicity.

Page 4.6-21

The proposed Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 have been designed to avoid and minimize potential geology and soils impacts. For example, the Tejon Mountain Village Specific Plan identifies areas with steep slopes, seismic, landslide, shallow water, flood and other geologic hazards and requires that these
constraints be considered during onsite construction planning. Implementation measures are included in the Tejon Mountain Village Specific Plan and the TMV Design Guidelines to address potential geologic or soils conditions, such as pre-construction geologic and soils engineering studies, soil compaction, over-excavation, geo-grid soil reinforcement, set backs from active faults and strengthened foundations (see Tejon Mountain Village Specific Plan Appendix B-1, Chapter 6, Appendix B, Appendix C). The Tejon Mountain Village Special Plan No. 1, Map 256 requires that all development complete a site development plan review process demonstrating, among other requirements, that proposed grading will conform with the geologic and soils standards in the TMV Design Guidelines and the Tejon Mountain Village Special Plan No. 1, Map 256 (see Appendix B-1 and Appendix B of Appendix B-1).

Page 4.6-28-4.6-29

Mitigation Measure 4.65-14: The project applicant shall work with Southern California Gas Company to install the recommended shutoff valves on the high pressure gas line to provide the capability to stop flows within the line in case of a seismic emergency if existing capabilities are not adequate. These emergency shutoff valves shall be located on each side of the main trace of the Garlock fault where the pipeline crosses the fault or other appropriate location determined by the gas company.

Mitigation Measure 4.65-15: Any natural gas lines installed within the project site shall be constructed with emergency shutoff valves that engage in the event a line is ruptured.

Mitigation Measure 4.65-16: The developer shall provide all buyers of any residential or commercial units on the site with disclosure of the location of the Alquist-Priolo Earthquake Fault Zone, the locations of fault buffer zones established for the project, the mapped location of the Garlock fault, and the potential for a seismic event that could cause damage or injury.

Mitigation Measure 4.65-17: Prior to issuance of the first certificate of occupancy for any residential or commercial unit, the community services district shall prepare—in consultation with the Kern County Emergency Medical Services Department and the Kern County Fire Department—an emergency preparedness and evacuation plan that addresses seismic events. The plan will be provided to all homeowners and business owners in the development and updated on an annual basis.

Page 4.7-40

Mitigation Measure 4.7-3: Development located immediately adjacent to the existing easements for underground crude oil pipelines and gas pipelines at Tejon Mountain Village will require coordination between the contractors and the easement holders for crude oil and gas pipelines to address any safety issues and to monitor construction to ensure that pipelines are avoided during construction activities. If any abandoned or unrecorded wells are discovered during excavation or grading activities, the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) will be contacted immediately, and all excavation and/or grading activities will cease until such time as remedial plugging operations can be performed in accordance with DOGGR requirements.
Mitigation Measure 4.7-8: Prior to the initiation of any construction within 500 feet of the Old Post Office on the west side of Interstate 5 (sample location I5-042 identified in Appendix H-7), additional sampling shall be conducted. Appropriate measures shall be implemented to assure the safe handling and disposition of any impacted soils and that the remaining soils are safe for the intended uses to be constructed at the site.

Mitigation Measure 4.7-16: Prior to the issuance of the first building permit, the project proponent shall prepare materials that explain the provisions of the Tejon Mountain Village Emergency Preparedness Plan for dissemination to all future project landowners and facility operators. The plan shall be incorporated into the emergency response plans maintained by each commercial or resort facility operator on the project site. Prior to issuance of the first building permit the applicant will develop a legal method for making annual financial contributions to the Kern County Fire Department/Environmental Health Services Department to support the reverse 911 calling system for all addresses (residential and commercial) within the development. The startup fee will be no more than $2.50 per address.

Mitigation Measure 4.7-17: Prior to issuance of a building/grading permit for the golf course, the project proponent shall consult with the Kern Vector Control District and incorporate measures to reduce mosquito impacts to the golf course. Written notification from the Vector Control District will be required showing that the proper measures have been included in the project design.

Table 4.8-1. Mean Annual Runoff from On-site Watersheds

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Acre-feet per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castac Lake</td>
<td>332</td>
</tr>
<tr>
<td>Grapevine Creek</td>
<td>289</td>
</tr>
<tr>
<td>Tehachapi</td>
<td>161</td>
</tr>
<tr>
<td>Pastoria</td>
<td>408</td>
</tr>
<tr>
<td>Tunis</td>
<td>26</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,216</strong></td>
</tr>
</tbody>
</table>

Source: Appendix H-2 I-1.
Page 4.9-72

Table 4.9-6. Zoning Ordinance Deviations Requested by the Proposed Project

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County Zoning Ordinance 19.08.415</td>
<td>Small wind energy system</td>
<td>The Tejon Mountain Village Special Plan No. 1, Map 256 allows Wind-driven electrical generators in the Resort, Village Mixed Use, and Mountain Residential zone classifications subject to applicable federal or state law requirements, the provision contained in the draft Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP) and the provisions of a Small Energy System Permit as applicable. The project will comply with the more restrictive provisions of this code or the TUMSHCP.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.08.160</td>
<td>Height of structures</td>
<td>The project complies with this code with respect to flagpoles, light standards, chimneys, and smokestacks (smokestacks and uses that typically require smokestacks are not proposed). With respect to radio and television masts, and communication towers, the Tejon Mountain Village Special Plan No. 1, Map 256 provides that these structures may be up to 100 feet in height but are subject to the provisions of applicable federal or state law, the proposed TUMSHCP. See Tejon Mountain Village Special Plan No. 1, Map 256, Sheet 4, Use Type Development Standards matrix. With respect to wind-driven power generators, the Tejon Mountain Village Special Plan No. 1, Map 256 only allows these uses where they provide power to supplement onsite power needs subject to the TUMSHCP, which requires USFWS approval. Commercial wind farms are not permitted.</td>
</tr>
</tbody>
</table>

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Table 4.9-7 Ordinance Code and Development Standards Deviations Requested by the Proposed Project

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County Buildings and Construction Code 17.32.038.503.2.1</td>
<td>Dimensions of fire apparatus access roads</td>
<td>The project would comply as applicable except that the Tejon Mountain Village Special Plan No. 1, Map 256 design standards provide that the minimum unobstructed widths may consist of a reduced paving section in certain cases plus an additional width of drivable, permeable crushed rock or road base to minimize impervious surfaces, maximize infiltration, and thereby reduce stormwater runoff while still providing all weather access to emergency vehicles.</td>
</tr>
<tr>
<td>Kern County Buildings and Construction Code</td>
<td>Fire protection water supplies</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Because all structures in Tejon Mountain Village would</td>
</tr>
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<td></td>
</tr>
<tr>
<td>Section Description</td>
<td>Reason for Deviation</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
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<td></td>
</tr>
<tr>
<td>17.32.042.508</td>
<td>be provided with internal sprinklers, the maximum fire hydrant spacing in residential areas would be 700 feet.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Stretches of roadway serving no structures may include spacing of 1,000 feet between hydrants.</td>
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</tr>
<tr>
<td></td>
<td>• The needed fire flow is based on all structures having approved fire sprinkler systems, with a resulting 50% reduction in the Fire Code Fire Flow requirements consistent with Appendix B of the Adopted 2007 California Building Code.</td>
<td></td>
</tr>
<tr>
<td>Kern County Buildings and Construction Code 17.32.109</td>
<td>These exceptions are detailed in the Tejon Mountain Village Specific Plan’s Fire Protection Plan (Appendix D) and are provided as measures that provide the same practical effect as the requirements of the code.</td>
<td></td>
</tr>
<tr>
<td>Kern County Buildings and Construction Code 17.48.330</td>
<td>Kern County Land Division Code 18.55.030</td>
<td></td>
</tr>
<tr>
<td>Improvements required: Minimum Right-of-Way and street widths; access via private streets; sewer connections; private drainage improvements</td>
<td>The project would comply as applicable except that the Tejon Mountain Village Special Plan No. 1, Map 256 allows cul de sacs to be up to 20% longer with the provision of attic sprinklers and additional fuel modification requirements.</td>
<td></td>
</tr>
<tr>
<td>Kern County Land Division Code 18.55.030</td>
<td>Kern County Buildings and Construction Code 17.48.330</td>
<td></td>
</tr>
<tr>
<td>Restrictions High Hazard Flood Areas to no increase in base flood elevations</td>
<td>The project would comply as applicable except that the project would limit encroachments into the flood plain to within the project site, and any increase in base flood elevation would not translate into increased flood risk on or off-site and would not result in increased flood risk to habitable structures per the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
<td></td>
</tr>
<tr>
<td>Kern County Land Division Code 18.55.030</td>
<td>Kern County Buildings and Construction Code 17.48.330</td>
<td></td>
</tr>
<tr>
<td>Improvements required: Minimum Right-of-Way and street widths; access via private streets; sewer connections; private drainage improvements</td>
<td>The project would comply as applicable with the following exceptions: The Tejon Mountain Village Special Plan No. 1, Map 256 specifies that subdivisions and improvements within the project area are classified as:</td>
<td></td>
</tr>
<tr>
<td>Kern County Land Division Code 18.55.030</td>
<td>Kern County Buildings and Construction Code 17.48.330</td>
<td></td>
</tr>
<tr>
<td>Improvements required: Minimum Right-of-Way and street widths; access via private streets; sewer connections; private drainage improvements</td>
<td>• Type B for all zone classifications within the Special Plan No. 1, Map 256 area except when the standard criteria are met for Type C subdivisions and improvements within the Mountain Residential (MR) and Open Area (OA) Zone Classifications. Develop public roads to Type A improvement standards for the mixed use area located adjacent to the Interstate 5 corridor. All other public roads in the plan area may be developed at Type B standards with approval from the Roads Department and Engineer and Survey Services Department.</td>
<td></td>
</tr>
<tr>
<td>Kern County Land Division Code 18.55.030</td>
<td>Kern County Buildings and Construction Code 17.48.330</td>
<td></td>
</tr>
</tbody>
</table>
| Improvements required: Minimum Right-of-Way and street widths; access via private streets; sewer connections; private drainage improvements | • Develop private roads to Type B improvement standards in the Specific Plan area except private roads located in the MR or OA area which may be surfaced with two (2) inches of A/C over compacted native ground or material of higher quality. Alternatively, the paved surfacing in the OA or MR may consist of two (2) inches of recycled asphalt or similar material over native ground, which is compacted and sealed, to satisfy
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
</table>
| Kern County Land Division Code 18.55.050.B.1.c | Minimum local street Right-of-Way width | The project would comply as applicable with the following exceptions:  
  - Street improvement standards for private streets would be as stated in the Tejon Mountain Village Specific Plan and Tejon Mountain Village Special Plan No. 1, Map 256. |
| Kern County Land Division Code 18.55.050.B.1.j | Dead end roads | The project would comply as applicable except that the Tejon Mountain Village Special Plan No. 1, Map 256 allows cul de sacs to be up to 20% longer with the provision of attic sprinklers and additional fuel modification requirements. |
| Kern County Land Division Code 18.55.050.C.1.h | Variation for Private Streets | The project would comply as applicable with the following exceptions:  
  - Access to parcels would be by privately owned and maintained streets, with the exception of the Village Mixed Use zone classification, which would have public streets. |
| Kern County Land Division Code 18.55.050.D | Block length and width | Block design criteria is not applicable to a project in mountainous terrain. Site design would be driven by topography, with road connections made where prudent and safe. |
| Kern County Land Division Code 18.55.050.F.1 | Minimum width and depth of lots | Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4. |
| Kern County Land Division Code | Lot depth no more than three times lot width. | Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4. |

This requirement. The determination shall be made during review and approval of the subdivision maps.

- Access to the majority of the parcels within the Special Plan No. 1, Map 256 would be by privately owned and maintained streets, with the exception of the Village Mixed Use zone classification, which would have a public street system. Private street improvements would be as stated in the Tejon Mountain Village Special Plan No. 1, Map 256 design standards (Sheets 4, 6 and 7 of the Tejon Mountain Village Special Plan No. 1, Map 256).

- All drainage improvements are to be privately owned and maintained.

- The Tejon Mountain Village Special Plan No. 1, Map 256 allows access ways that serve 10 or fewer residential units to be 16 feet in width provided that they are not more than 150 feet in length. If they are greater than 150 feet, then an added 4 feet of drivable all weather shoulder must be provided.

- Connection to sewers is anticipated for every property; however, the Tejon Mountain Village Specific Plan allows alternative solutions for large lots.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.55.050.F.3</td>
<td>Kern County Land Division Code Prohibits double frontage lots</td>
<td>Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>18.55.050.F.4</td>
<td>Kern County Land Division Code Lot lines should be at right angles or radial to the street.</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>18.55.050.F.5</td>
<td>Kern County Land Division Code Pan handle of flag lot no more than 150 feet long</td>
<td>Lot dimensions and shapes would be governed by the Tejon Mountain Village Specific Plan and the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>18.55.050.H.3</td>
<td>Kern County Land Division Code Dedication of river, stream, or creek Right-of-Way to county or other public entity.</td>
<td>The Tejon Mountain Village project does not have any public waterways, rivers, streams, or lakes.</td>
</tr>
<tr>
<td>18.55.050.H.3</td>
<td>Kern County Land Division Code Provision of pedestrian ways and bikeways</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
<tr>
<td></td>
<td>Kern County Land Division Code Street lighting illumination levels</td>
<td>• Conventional pedestrian ways and bikeways would not be provided; however, a system of non-vehicular private trails would be provided, generally following existing ranch roads to minimize environmental impacts.</td>
</tr>
<tr>
<td></td>
<td>Kern County Zoning Ordinance Small wind energy system</td>
<td>The project would comply as applicable with the following exceptions:</td>
</tr>
<tr>
<td></td>
<td>Kern County Zoning Ordinance Height of buildings</td>
<td>The Tejon Mountain Village project does not have any public waterways, rivers, streams, or lakes.</td>
</tr>
</tbody>
</table>

The Tejon Mountain Village Special Plan No. 1, Map 256 allows wind-driven electrical generators in the Resort, Village Mixed Use, and Mountain Residential zone classifications subject to the provision contained in the draft Tehachapi Uplands Multi-Species Habitat Conservation Plan (TUMSHCP) and the provisions of a Small Energy System Permit as applicable. The project would comply with the more restrictive provisions of this code or the TUMSHCP. The Tejon Mountain Village Special Plan No. 1, Map 256 contains building height restrictions for each Zone Classification and provides a limit for projections beyond the maximum building heights of up to 15 feet for architectural building elements such as chimneys, towers, etc. The Tejon Mountain Village Special Plan No. 1, Map 256 does not consider penthouses, elevators, rooftop equipment, or tanks to be projections in and of themselves, but does allow such uses to be housed within architectural projections that are considered to be with keeping with the architectural style of the building and incidental to the massing of the structure with the exception of penthouses, which are prohibited from...
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Reason for Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern County Zoning Ordinance 19.08.160</td>
<td>Height of structures</td>
<td>The project complies with this code with respect to flagpoles, light standards, chimneys, and smokestacks. (Smokestacks and uses that typically require smokestacks are not proposed.) With respect to radio and television masts, and communication towers the Tejon Mountain Village Special Plan No. 1, Map 256 provides that these structures may be up to 100 feet in height but are subject to the provisions of the proposed TUMSHCP. See Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4, Use Type Development Standards matrix. With respect to wind-driven power generators, the Tejon Mountain Village Special Plan No. 1, Map 256 only allows these uses where they provide power to supplement onsite power needs subject to the TUMSHCP which requires FWS approval. Commercial wind farms are not permitted.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.84</td>
<td>Signs</td>
<td>Signs within the public access areas of Tejon Mountain Village are regulated by Chapter 19.84 of the Kern County Zoning Code. A Tejon Mountain Village Community Sign Program(s) (CSP) is required for all private access areas in accordance with the Community Sign Program Review Process set forth in Section B.5 of Review and Approval Procedures, Sheet 15. A CSP may also be approved for the public access areas. The Community Sign Program Review Process requires a finding that the CSP(s) are consistent with comparable provisions of the Chapter 19.84 of the Kern County Zoning Code.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.08.180</td>
<td>Accessory buildings</td>
<td>Project would comply as applicable.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tejon Mountain Village Special Plan No. 1, Map 256 Zone Classification Standards and Permitted Uses (Sheets 2 and 3) set forth specific criteria for secondary dwelling units and, residential accessory structures, guesthouses, and residential compounds.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.88</td>
<td>Hillside Development Ordinance</td>
<td>Tejon Mountain Village grading standards are intended to allow sensitively designed development within hillside areas while protecting the public health, safety, and welfare by ensuring that development would not induce soil erosion, result in excessive grading, or lead to loss of aesthetic value. Grading for Tejon Mountain Village would be in conformance with the Kern County Grading Code (Chapter 1A.28 of the Code of Building Regulations of Kern County) except as modified herein (Sheet 4). These grading standards supersede the provisions of Chapter 19.88 of the Kern County Zoning Ordinance.</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.90.010</td>
<td>Purpose and Application</td>
<td>The project will comply as applicable except that the Special Planning (SP) District Plan allows Secondary Residential Units in all single family residential lots which are a minimum of seven thousand five hundred square feet. See Special Planning (SP) District Plan Sheets 2 and 3.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Reason for Deviation</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Kern County Zoning Ordinance 19.90.030</td>
<td>Development standards (secondary residential units)</td>
<td>The project will comply as applicable, except that the total floor area of the secondary dwelling unit may not exceed fifty percent (50%) if the total floor area of the principal dwelling. The project would comply as applicable, except that the Tejon Mountain Village Special Plan No. 1, Map 256 allows Residential Compounds consisting of up to 5 detached units subject to a Site Development Plan Review. A residential compound is considered one dwelling unit for the purposes of the Tejon Mountain Village Specific Plan’s development cap calculation and as such cannot be subdivided unless individual units from the overall development caps are assigned to each unit to be subdivided.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-1.01</td>
<td>Minimum street centerline radius</td>
<td>The project would comply as applicable with the minimums allowed by exception as granted by the Planning Director per Development Standards Section 104-1.01. It should be noted that roundabout intersection controls are allowed by the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4 and would have travel way radii that are significantly less than the permitted centerline radii.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-2.02</td>
<td>Maximum street gradient</td>
<td>The project would comply as applicable for public roads. The maximum street gradient for private roads would comply with the maximum of 15% allowed by exception as granted by the Planning Director per Development Standards Section 104-2.02 for local and cul-de-sac streets. The Roadway Development Standards on Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4 allow for a maximum grade of 15%, with no exception process required.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-4.02</td>
<td>Road surfacing</td>
<td>The project would comply as applicable; however, in keeping with rural, mountainous character of Tejon Mountain Village, alternative road surfacing would be allowed in selected areas as indicated in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 104-6</td>
<td>Street Lighting Standards</td>
<td>The project would comply as applicable; however, street lighting standards have been modified in keeping with rural, mountainous character of Tejon Mountain Village. Per the Tejon Mountain Village Design Guidelines (Appendix B), street lighting in Tejon Mountain Village would be minimized. Illumination levels at primary intersections would provide the minimum requirement for safety and directional orientations. Lighting along roadways would be restricted to major crossroads. Local roads and driveways would be lit only where necessary to provide for public safety.</td>
</tr>
<tr>
<td>Kern County Development Standards Section 406-2.01</td>
<td>Intermediate Storm Design Discharge not to exceed soffit of culvert</td>
<td>The project would comply for crossings that do not include a water quality or storage component; however, outlet culverts for water quality basins may include greater headwater depths, and implementation would be determined on a case-by-case basis.</td>
</tr>
<tr>
<td>Kern County</td>
<td>Requires concrete low flow</td>
<td>In keeping with the rural, natural character of the Kern County Development Standards Section 104-2.02.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Reason for Deviation</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Kern County Development Standards Section 409-2.01</td>
<td>channel in detention basins</td>
<td>Community, no hard lining would be provided in detention basins. In addition, all development would be consistent with the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-1</td>
<td>Constructed channels to carry Capital Storm Design Discharge plus freeboard</td>
<td>Cuddy Creek would comply; however, in keeping with the natural character of the community, other constructed channels are intended to mimic natural conditions, including overbank flow at Capital Storm Design Discharge. In addition, all development would be consistent with the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-2.04</td>
<td>Require freeboard in constructed channels</td>
<td>Cuddy Creek would comply; however, in keeping with the natural character of the community, other constructed channels are intended to mimic natural conditions, including overbank flow at Capital Storm Design Discharge. In addition, all development would be consistent with the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-6</td>
<td>Requires fencing of constructed channels</td>
<td>All project fencing is subject to applicable sections of the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Section 410-7</td>
<td>Right-of-Way requirements for constructed channels</td>
<td>Drainage facilities within Tejon Mountain Village are to be privately owned and maintained. Drainage standards are found in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4, subject to the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Section 411-6</td>
<td>Requires fencing of levees</td>
<td>All project fencing is subject to applicable sections of the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Section 411-7</td>
<td>Right-of-Way requirements for levees</td>
<td>Drainage facilities within Tejon Mountain Village are to be privately owned and maintained. Drainage standards are found in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheet 4, subject to the Tejon Mountain Village Design Guidelines (Appendix B) and the Tejon Mountain Village Framework Resource Management Plan (Appendix C).</td>
</tr>
<tr>
<td>Kern County Development Standards Plate R1-R30</td>
<td>Street Typical Sections</td>
<td>The project would comply as applicable; however, Tejon Mountain Village Typical Private Street Sections are to be as shown in the Tejon Mountain Village Special Plan No. 1, Map 256 Sheets 6 and 7.</td>
</tr>
<tr>
<td>Kern County</td>
<td>Top of cul-de-sac less than</td>
<td>The project would comply as applicable; however,</td>
</tr>
</tbody>
</table>
Page 4.12-10

At full build out, the commercial, recreational, and other land uses within the project site would require a work force of approximately 1,489 to 1,523 (derived from land use assumptions).

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As the primary responder, the Kern County Fire Department is responsible for providing fire protection and emergency services to unincorporated areas of Kern County, such as the Tejon Mountain Village site and regional transportation corridors (e.g., Interstate 5). The Kern County Fire Department staffs 45 full-time fire stations and one seasonal station. The department is broken into six battalions for operational management. Each battalion covers a large geographical area and includes seven to nine fire stations (Kern County Fire Department 2001a). The Tejon Mountain Village site is within Battalion 2, which serves the southwestern portion of Kern County. The battalion consists of nine fire stations, the nearest being Station 56 in Lebec, located at 1548 Golden State Highway, adjacent to the Tejon Mountain Village site. Station 56, constructed in 1988, occupies 4,435 square feet of space and currently serves an estimated population of 1,851 in a response area of 350.1 square miles. The station is staffed with one captain, one engineer, and one firefighter; the equipment includes two Type 1 engines and one Type 4 four-wheel-drive watershed patrol vehicle. The response area comprises largely rural communities, watersheds, and Interstate 5. Response time to the Tejon Mountain Village site, which is adjacent to the station, is less than 5 minutes (see Figure 4.13-1). (Note that this response time is to the existing entrance to the Tejon Mountain Village property. Response times to various portions of the site depend on road conditions and weather conditions. Much of the site is not currently accessible to the fire engines at Station 56.)

Page 4.13-13 to 4.13-14

Mitigation Measure 4.13-1: Prior to issuance of building permits, the applicant shall be subject to any development impact fee (in an amount ranging from $6,000 to $12,000) for public services adopted by the Kern County Board of Supervisors. Payment of that fee will be considered full mitigation for impacts to public services specifically referenced in the development impact fee. Adjustments to this development impact fee for mitigation already provided shall be made in consultation with the County Administrative Office based on the mitigation in the EIR and any applicable development agreement provisions that relate to the underlying costs associated with the development impact fees. The development impact fee would be reduced by the fee increment attributable to impacts included in this EIR for which mitigation has been required (e.g., fire and sheriff services, schools, libraries, and public utilities). The applicant shall be...
required to pay for that increment of a development fee for impacts that are not included in this EIR.

Page 4.13-25

Mitigation Measure 4.13-13: Prior to the issuance of building permits, the project applicant shall provide funding on a fair-share basis to offset costs associated with the Kern County Library Department for providing additional library volumes necessary to provide or maintain adequate levels of service to the project within County standards. The total fair-share costs are estimated to be $692,139 based on the project’s projected 10,671 residents and the CIP’s service standard of 1.38 volumes per person with a cost of $47.00 per volume. Required fees are subject to the most current Consumer Price Index (CPI) as determined by the County Administrative Office. Prior to the issuance of any building permit, the project proponent shall pay the following development fees:

a. Residential Unit: $200.62 per dwelling unit

4.13.5 Cumulative Impacts

Cumulative impacts on public services would occur if the Tejon Mountain Village project were to combine with other projects within the service areas to result in the need for new or expanded services, the construction of which could result in significant adverse environmental impacts.

A number of housing and mixed-use developments are being planned within the service areas of the Kern County Fire Department (including Battalion 2); the Kern County Sheriff Department (including the area served by the Frazier Park Substation); the El Tejon Unified School District, Arvin Union School District, and Kern High School District; and the service areas of the Tehachapi and Frazier Park Branch Libraries. Frazier Park Estates is another residential development project under consideration within the service area of El Tejon Unified School District. The Frazier Park Estates Recirculated Draft EIR states that construction of the "Option 1" project would result in the construction of 662 single-family residences and 41 multi-family residences. Based on the Panama-Buena Vista Union School District, this project would generate 384 elementary school students, 93 middle school students and 132 high school students in the El Tejon Unified School District. In the El Tejon School District, the student count incorporating Frazier Park Estates is the sum of students generated by Tejon Mountain Village plus students generated by Frazier Park Estates. Therefore, under the existing school boundaries (Scenario 1), the projects taken together would generate 737 elementary school students, 508 middle school students and 345 high school students. Under Scenario 2, in which all potential students at Tejon Mountain Village would attend El Tejon Unified School District, the two projects together would generate 1,527 elementary school students, 1,434 middle school students and 822 high school students. A few nonresidential projects are also planned in these service areas and districts, but development of housing is typically the biggest driver of demand for public services because it most directly affects population growth.

Page 4.14-18

Section 2.4.24 2.4.20 of the Tejon Mountain Village Specific Plan requires that recycled water be used as available for golf course irrigation to conserve water resources. Section 3.3.2 of the Tejon
Mountain Village Specific Plan provides that nonvehicular trails will be used to the extent feasible in high use areas, including recreational sites, to encourage pedestrian transportation within the project. Section B.2.e B.4.a.i of the Tejon Mountain Village Specific Plan Master Design Guidelines requires that custom lot recreational facilities, such as tennis courts, must control lighting to avoid offsite impacts and blend with the natural landforms. Section B.4.A.i of the Master Design Guidelines requires that grading for recreational purposes, such as golf, be minimized to the extent feasible.

**Page 4.16-10**

The Tejon Mountain Village Design Guidelines and Tejon Mountain Village Sustainability Plan (Appendix B and F of Appendix B-1) identify feasible measures to reduce water and energy use, such as tankless water heaters and low flow plumbing, and require that a maximum applied water allowance be established for each lot or home (see Chapter 3 and Appendixes A and B of the Tejon Mountain Village Specific Plan and Community Plan Special Planning District Appendix B-4). Project homeowners or builders must prepare a preliminary design plan in accordance with the Tejon Mountain Village Special Plan No. 1, Map 256 demonstrating that energy use would be at least 25% below the time dependant valuation standards identified in Title 24 of the California Code of Regulations and that water use would be below the applicable maximum applied water allowance (see Appendix A of Appendix B-1).

**Page 4.16-12**

TCWD provides water service to the Tejon Industrial Complex, located south of the junction of Interstate 5 and State Route 99. The full-buildout demand that would be generated by the Tejon Industrial Complex is approximately 1,022 AFY. TCWD also uses approximately 100 AFY for other district operations. Table 4.16-2 summarizes TCWD’s total water service demand, assuming full buildout and full-time occupancy of the Tejon Mountain Village project and full buildout of the Tejon Industrial Complex. Under these conditions, TCWD would be required to provide approximately 4,002 AFY to meet Tejon Mountain Village, Tejon Industrial Complex, and other district demands.

**Table 4.16-2.** TCWD Total Water Service Demands at Full Buildout of Tejon Mountain Village and the Tejon Industrial Complex (AFY)

<table>
<thead>
<tr>
<th>Service Area</th>
<th>AFY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tejon Industrial Complex Service Area</td>
<td>1,102</td>
</tr>
<tr>
<td>Tejon Mountain Village Service Area</td>
<td>2,900</td>
</tr>
<tr>
<td>Other District Operations</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total TCWD</strong></td>
<td><strong>4,002 4,102</strong></td>
</tr>
</tbody>
</table>

Source: TCWD, Water Supply Assessment, Appendix N-1.
Table 4.16-4. TCWD Average-Year Supply and Demand Analysis (acre-feet)

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recycled Water and State Water Project Supplies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled Water</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
</tr>
<tr>
<td>State Water Project Table A</td>
<td>3,325</td>
<td>3,365</td>
<td>3,404</td>
<td>3,444</td>
<td>3,483</td>
</tr>
<tr>
<td>(63% in 2008, 66% in 2028,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and interpolated for other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>years from State Water</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Reliability Report)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Supplies</strong></td>
<td>4,483</td>
<td>4,523</td>
<td>4,562</td>
<td>4,602</td>
<td>4,641</td>
</tr>
<tr>
<td><strong>Demands</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Industrial Complex</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
</tr>
<tr>
<td>Service Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tejon Mountain Village</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
</tr>
<tr>
<td>Service Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other District Operations</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total TCWD Demands</strong></td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
<td>4,210</td>
<td>4,102</td>
</tr>
<tr>
<td>Water Banking Surplus</td>
<td>381</td>
<td>421</td>
<td>460</td>
<td>500</td>
<td>539</td>
</tr>
<tr>
<td>(extraction)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: TCWD, Water Supply Assessment, Appendix N-1.

Page 4.16-18

Section 5.5 of the water supply assessment considered certain additional issues that could affect TCWD’s water supplies, including the use of local groundwater and surface water supplies, rainwater harvesting, and other potential State Water Project system operational matters. Consideration of these issues did not require significant modifications of the district’s water supply and demand scenarios.

As discussed in Section 3 of the WSA, the SWP system was significantly amended by the 1995 Monterey Agreement. The amendments resulting from the agreement were subsequently challenged in court. After several years of litigation, the DWR agreed to prepare and circulate a revised EIR to evaluate the potential environmental impacts that could be associated with the implementation of the agreement. A revised EIR was released by the department in October 2007, and public comments were received through January 2008. The DWR has indicated that it intends to finalize the CEQA process and certify the EIR in late 2009. Under California law, a discretionary action, such as the amendment of SWP system operations, may only be finalized by a state agency after the CEQA process is complete. The SWP has been operated under the terms of the Monterey Agreement for more than a decade, but the amendments authorized by the agreement, including, for example, environmental impact mitigation requirements, could be affected by the finalization of the EIR.
The County requested that this WSA consider whether the project’s water supply analysis could be affected in the event that the DWR did not or was not able to certify the EIR as currently intended. The Monterey Agreement included two SWP operational changes that could potentially affect TCWD: (a) the transfer of the KWB to the Kern Water Bank Authority; and (b) the modification of pre-1995 distinctions between contracts for agricultural and municipal and industrial (M&I) water. Each of these issues is discussed below.

(1) TCWD’s Rights to the KWB. The KWB was transferred to the Kern Water Bank Authority as part of the 1995 Monterey Agreement. Due to the subsequent investment in, and improvements to, the KWB facilities that were made by TCWD and other KWBA participating entities in reliance on the transfer, is highly unlikely that the EIR certification process could significantly affect the current ownership and operation of the KWB. In 2003, the DWR and other water agencies, including KCWA and KWBA, executed a settlement agreement with the Monterey Agreement EIR plaintiffs. Section V of the settlement agreement specifically provides that Kern Water Bank Authority, which currently owns and operates the KWB, shall continue to own and operate the KWB for banking purposes. The agreement identified certain additional restrictions on the KWB that pertain to potential changes in the use of the KWB or the effects of a proposed habitat conservation plan. None of these provisions significantly affect the ownership and operation of the KWB for current water banking purposes. In the unlikely event that the KWB’s operations were modified by the failure to certify the Monterey Agreement EIR, TCWD has several options for achieving the same or similar water banking capacity projected in this WSA. The Semitropic Water Storage District (Semitropic), for example, has developed a water banking facility located to the west of the KWB. Like the KWB, this facility has access to the California Aqueduct and allows for the storage and retrieval of SWP water. Semitropic sells banking rights to third parties, including other water districts throughout the State. Its facilities are being expanded to allow for 1.65 million acre-feet of storage and a withdrawal capacity of 290,000 AFY. Semitropic also has SWP allocations that can be used to withdraw banking customer’s stored water by exchange of up to an additional 133,000 AFY. The Semitropic water bank has significant unused capacity (Semitropic Water Storage District, “Groundwater Banking” http://www.semitropic.com/GroundwaterBanking.htm (accessed August 2009)). If required to do so, TCWD could purchase rights to the Semitropic facilities, transfer its KWB storage, and conjunctively manage its rights to store and retrieve water in Semitropic in a manner consistent with the projections in this WSA. In the unlikely event that the Monterey Agreement EIR process prevented TCWD from utilizing its rights to the KWB, the same or substantially similar water banking capacity could be feasibly achieved by purchasing capacity in other banking operations located in Kern County.

(2) Use of agricultural and M&I water. The Monterey Agreement modified pre-1995 SWP operational distinctions affecting contracts for agricultural and M&I water. In general, pre-1995 SWP agricultural water contracts were limited to agricultural or related irrigation uses and subject to more significant cutbacks than M&I contracts during dry periods. The 1995 Monterey Agreement eliminated contract provisions that restricted agricultural water to agricultural uses and that required more significant agricultural supply reductions compared with M&I contractors during drought conditions. Approximately 2,000 acre-feet of TCWD’s Table A allocations derive from a pre-1995 M&I contract with KCWA. Approximately 3,278 acre-feet of the district’s supply derives from a pre-1995 agricultural contract with the agency. Since 1995, water districts and their customers have relied on the post-Monterey Agreement SWP contract amendments to build, construct and maintain water service facilities throughout California. Due to this reliance, it is highly unlikely that the pre-1995 SWP contract provisions would be reimposed as a result of
the Monterey Agreement EIR process. If such an event should occur, the portion of TCWD’s Table A allocation associated with the pre-1995 agricultural contract could become more restricted in use and subject to greater dry-year reliability reductions than assumed in this WSA while its pre-1995 M & I supplies would be subject to less reductions than assumed in the WSA. TCWD would have several options for addressing this circumstance. The district could request that KCWA approve an amendment to the agricultural contract that would allow for non-agricultural uses. Since TCWD does not and has not intended to use its supplies for agriculture, such an amendment would not affect Kern County farmland and would be consistent with KCWA and regional water use policies. KCWA has approved contract revisions pertaining to agricultural and M&I use in the past. The amended contract might still be subject to pre-1995 agricultural supply dry period reduction requirements. In such an event, the reliability factors utilized in Section 5.3 (single dry year) and Section 5.4 (multiple dry years) of this WSA to project TCWD’s supplies could be lower than assumed. The analyses presented in this WSA, however, show that TCWD has sufficient banked water capacity to address potential reliability issues even if a portion of the district’s Table A allocations was subject a greater level of reduction during dry periods. The district could also seek to exchange its agricultural water supplies for M&I use water. In the event that the pre-1995 SWP agricultural and M&I contract provisions were reimposed in the SWP system, many water users would have contracts that no longer conform with their current water use patterns. Agricultural users would seek to obtain supplies that can be used for farming; M&I users would desire water for municipal purposes. Under such circumstances, SWP system participants would likely exchange contract rights as necessary to reflect their water use requirements. Exchanges of this nature would allow TCWD to maintain rights to SWP water in a manner consistent with the analysis presented in this WSA.

As discussed above, it is highly unlikely that the DWR’s finalization of the Monterey Agreement EIR will result in significant changes to the KWB or lead to the reimposition of pre-1995 SWP contract provisions. If any such outcomes were to occur, TCWD could achieve the same operational objectives projected in this WSA by implementing other feasible options that do not depend on the 1995 Monterey Agreement.

Given the California Water Code analysis summarized above, the additional water supply issues considered in the water supply assessment, and the mitigation measures required of the project, TCWD would have sufficient water supplies to meet the project demands summarized in Table 4.16-1 throughout the 20-year analysis period. The required mitigation measures include mandatory water conservation measures and programs, best management practices for the golf course construction, use of reclaimed water, and the establishment of a 7-year reserve of banked water. The analysis of TCWD’s available water supplies under applicable California Water Code criteria and additional conservative assumptions demonstrates that the District has sufficient water resources to meet the project’s demands in normal, dry-year, and multiple-dry-year conditions over a 20-year period. Mitigation measures 4.16-1 through 4.16-5 would further reduce potential impacts related to water supply. The project’s impacts related to water supply would be less than significant.

**Mitigation Measure 4.16-3**: Prior to approval of each tentative tract map or development of any commercial site, the applicant shall verify that sufficient water storage capacity exists or will be constructed as may be required to assure that at least a 3-day emergency period water consumption supply and a local fire suppression supply in compliance with applicable fire code provisions will be available onsite to serve all occupied structures. If any construction or other
work is proposed within Department of Water Resources (DWR) right of way, an encroachment permit must be obtained from DWR prior to beginning work.

Page 4.16-20

... leach field) effluent pumping (STEP) systems, may be used in certain lower density areas. All of the wastewater system’s structural elements, including the wastewater reclamation facility, pipelines, pumping stations and lifts, and recycled water facilities, would be constructed and operated within the development envelope considered in this Draft EIR (see Appendix N–4 N–2).

Recycled water from the wastewater reclamation facility would comply with all applicable requirements for unrestricted use and would be stored in lined ponds during wet months for irrigation during dry months. The wastewater reclamation facility would also produce waste biosolids that would be stabilized and dried on site. The applicant-submitted study proposed that the biosolids would meet all applicable federal, state, and Kern County Class A exceptional quality requirements and would be used at agronomical rates within the project at appropriate landscaping and other locations. Approximately 41 acres of grass or similar vegetated areas are proposed to use all of the biosolids generated by the wastewater reclamation facility at project build out (Appendix N–2). However, because the Kern County Board of Supervisors has directed that land application of biosolids should not be permitted in the county, an alternative means of disposal would be required of the project-generated biosolids. For example, the project may pelletize or otherwise manage biosolids for sale or use outside Kern County, or the project may apply to Kern County for approval of other sustainable management and disposal practices. Biosolid disposal could include public or private landfills, or land application outside Kern County. Potential impacts related to the use of recycled water and biosolids generated by the wastewater reclamation facility are discussed in Section 4.8, “Hydrology and Water Quality,” Impact 4.8-6.
Table 5-1. Summary of Significant Impacts of the Proposed Project

<table>
<thead>
<tr>
<th>Resources</th>
<th>Project Impacts</th>
<th>Cumulative Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality and Climate Change</td>
<td>Although the project will implement a Voluntary Emission Reduction Agreement (VERA) that will ensure complete reduction of all construction impacts of NOx, PM and ROG within the San Joaquin Valley Air Basin, because implementation of the VERA is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), the ROG construction impacts are significant and unavoidable. Without accounting for the VERA, operational emissions of ROG, NOx, PM10, and related health effects are significant and unavoidable.</td>
<td>Without accounting for the VERA, the project would have significant and unavoidable cumulative impacts with respect to ozone precursors (NOx and ROG) and PM10, in both the San Joaquin Valley Air Basin and the South Coast Air Basin. The project could cause growth that is inconsistent with the household and employment projections in the relevant air quality plans. The project includes a commitment to a 29% reduction of greenhouse gas emissions below business as usual. However, even with this full share allocation of Assembly Bill 32 (AB 32) obligations, it would be necessary for many third parties to adopt and fully implement greenhouse gas reduction requirements applicable to numerous economic sectors in order to fully achieve the requirements of AB 32. These impacts to global climate change and related health effects are significant and unavoidable.</td>
</tr>
</tbody>
</table>

Figures

Several figures in the Draft EIR have been slightly modified or added. These revised or added figures are listed in Section 7.4., Figures, to this Chapter 7.

- Figure 3-12, Development Caps, has been revised.
- Figure 3-14, Proposed Backbone Vehicular Circulation Plan, has been revised.
- Figure 4.1-13, View Simulation, Night-time, has been added.
- Figure 4.1-14, Viewshed Relationship of TMV to Mount Pinos Viewing Station, has been added.
- Figure 4.1-15, Viewshed Study – Visibility Analysis Between Fort Tejon Area and TMV Development Envelope, has been added.

Appendix B-1: Appendix C

Appendix C to the Tejon Mountain Village Specific and Community Plan has been revised at the County's request to include Framework Resource Management Plan maps, which include
biological resource data for the Project site and a draft implementation matrix identifying the person or entity that would be responsible for implementing different categories of biological resource mitigation measures. These maps and matrix will be used, as appropriate, in a Resource Management Plan for the Project. The Resource Management Plan will include a compilation of the biological resource mitigation measures required by the County (as lead agency under the California Environmental Quality Act) and by the resource agencies (including the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the Regional Water Quality Control Board). It is attached to this Chapter 7 as Attachment A.

Appendix B-1: Appendix G

The Mitigation Monitoring Plan is no longer an appendix to the Tejon Mountain Village Specific and Community Plan and Special Planning District. It is now located in the Staff Report

Appendix D-2

The cover page was mislabled and has been corrected to read:

Appendix D2
VERA Analysis

The Staff Report and Minutes regarding adoption of the VERA were missing from Appendix D-2. They are included here.
San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

DATE: December 20, 2007

TO: SJVUAPCD Governing Board

FROM: Seyed Sadredin, Executive Director/APCO
Project Coordinator: David Warner

RE: APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH TEJON MOUNTAIN VILLAGE LLC, TO RECEIVE FUNDS IN THE AMOUNT OF $10,210,200 FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED "TEJON MOUNTAIN VILLAGE" DEVELOPMENT PROJECT

RECOMMENDATIONS:

1. Approve and authorize the Chair to sign the Voluntary Emissions Reduction Agreement with Tejon Mountain Village LLC.

2. Authorize staff to identify, fund and manage air quality projects that will mitigate the not project criteria pollutant impacts as determined in the approved Air Quality Impact Assessment for the proposed project.

BACKGROUND:

Since 2005, the District has entered into Voluntary Emission Reduction Agreements (VERA) with developers to mitigate the air impacts of their development projects. These agreements benefit air quality by achieving emission reductions in excess of District Rule 5510 (Indirect Source Review) requirements, applicable to development projects. In 2006-07, the District entered into four VERAs, which generated $11,829,250 in revenues. Projects funded by the District achieved total emission reductions of 824 tons of NOx, 33.7 tons of PM10 and 96 tons of VOC. The agreement before you today is similar to the previous agreements approved by your Board.
Representatives of Tejon Mountain Village LLC, have approached the District with a request for assistance in mitigating the significant air quality impacts of their development project proposed in the County of Kern. Per the Agreement, the District will review and identify acceptable air quality impact analysis methods and procedures, and verify and manage consultant provided emission reduction projects or, if those projects prove insufficient, identify and manage other emission reduction projects to fully mitigate the net air quality impacts as identified in a District approved Air Quality Impact Assessment.

The proposed Tejon Mountain Village Development Project entails the development of approximately 26,400 acres in which a resort type community of approximately 5000 acres of development is proposed. The remaining undeveloped property will be preserved as open space. The project site is located east of Interstate 5 near the town of Lebec, in Kern County, California.

**DISCUSSION:**

Consultants for Tejon Mountain Village LLC provided the District with a preliminary Air Quality Impact Assessment (AQIA) of the project's impact on air quality. District staff has not received the final AQIA for review, so the amount of emission reductions is based on the developer's preliminary estimate of emissions. Upon receiving the final AQIA, District staff will verify the correctness of the emissions estimates for the project. The contract contains provisions that if upon completion of staff's review the amount of emission reductions increases or the funding is inadequate to purchase the reductions, District will notify Tejon Mountain Village LLC that additional funds are necessary to achieve full mitigation of the project's emissions. The final AQIA will address criteria pollutant emissions, public health/hazard impacts, carbon monoxide (CO) hotspots impacts, construction impacts, and mitigation.

One of the prerequisites of entering into a Voluntary Emission Reduction Agreement with the District is to include all feasible measures to reduce emissions at the project site. Construction fugitive dust emissions should be mitigated onsite by complying with the requirements specified in the District's Regulation VIII and with the use of cleaner construction equipment when available. Including design features that facilitate and encourage alternate forms of transportation and increase energy efficiency can mitigate operational emissions. Specific onsite operational mitigation features agreed to by Tejon Mountain Village LLC are provided in the contract.

After accounting for the benefit of the onsite mitigation measures, Tejon Mountain Village LLC will provide monies to the District to fund projects that will reduce oxides of nitrogen (NOx), reactive organic gases (ROG) and fine particulate matter (PM10) emissions off-site. Given our experience in administering grants for emission reduction projects, with adequate funding, the District can bring about sufficient emission reductions from existing sources of emissions to fully and permanently mitigate the net air emissions
from this development project. The emission reduction projects will permanently reduce emissions, because even after the useful life of the project has ended, the funded equipment, device or vehicle will be replaced with equipment, devices or vehicles that are as clean or cleaner than the original.

Tejon Mountain Village LLC has not provided the District a list of potential off-site emission reduction projects. The dollar value of this agreement is based on the emissions, as estimated by Tejon Mountain Village LLC, multiplied times the 2008 emission reduction schedule contained in Section 1.7.1 of the Agreement. Per the Agreement, Tejon Mountain Village LLC may propose emission reduction projects, and therefore, actual funds received by the District may be less than estimated. Projects proposed by Tejon Mountain Village LLC will be verified by the District to ensure that reductions are valid and each project will be field inspected by the District prior to and after installation. The District will also perform long term monitoring of the projects to ensure the emissions remain in place during the period of the agreement. Whether Tejon Mountain Village LLC or the District identifies projects, all will be under contract with the District to ensure their enforceability.

The preliminary AQIA prepared for the project estimated that the total tonnage of emissions from the pollutants ROG, NOx, and PM10 would sum to 150 tons.

As presented below, the District would receive an estimated $10,210,200. This amount includes a four percent (4%) administrative fee to cover the District's costs of administering the program:

| Mitigation Fees         | $9,817,500 |
| Admin. Fee (4%)         | $392,700   |
| Total                   | $10,210,200|

The total funds identified in this item reflect the District's and developer's best estimate, and may increase in the future if it becomes necessary to reduce more emissions due to projects costing more than expected or be reduced if projects are obtained at a lower cost than anticipated.

All funds collected will be used for emission reduction projects that will fully mitigate the net air quality impact of criteria pollutants as identified in the approved assessment from the proposed project. The emission reduction projects will be in place contemporaneous with the development and will provide localized air quality benefits in the vicinity of the project. The District will establish a separate budgetary account for these mitigation funds, and will provide routine tracking and status reports documenting fund expenditures and the emissions reductions achieved for the development project.
SJUAPCD Governing Board
VOLUNTARY EMISSION REDUCTION AGREEMENT WITH TEJON MOUNTAIN VILLAGE LLC
December 20, 2007

FISCAL IMPACT:

Under the terms of the agreement, Tejon Mountain Village LLC is expected to pay to the District approximately a total of $9,817,500 in mitigation fees and $392,700 in administrative fees for a total of $10,210,200. Tejon Mountain Village LLC shall pay the mitigation fees in sufficient amounts to fully mitigate each phase of the project. Fees must be paid before generating emissions for the respective project phases. The agreement also contains provisions for the District to recover costs for staff time spent and materials used by the District in the administration of this Agreement. The District’s 2007-08 Budget contains adequate revenue estimates and appropriations to facilitate the receipt of mitigation funds from Tejon Mountain Village LLC and for expenditure of those funds in accordance with the Voluntary Emission Reduction Agreement.

Attachments:
Attachment A – Tejon Mountain Village LLC Air Quality Mitigation Agreement (25 pages)
GOVERNING BOARD
J. Steven Worthy, Chair
Supervisor, Tulare County
Larry Orellana, Vice Chair
Supervisor, San Joaquin County
Tony Barba
Supervisor, Kings County
Raj Bar
councilmember, City of Arvin
Judith G. Case
Supervisor, Fresno County
Ronni Dornicki
Supervisor, Madera County
Jon McGuigan
Supervisor, Kern County
Michael E. Nelson
Supervisor, Mariposa County
William O'Brien
Supervisor, Stanislaus County
Henry T. Ferreira
Councilmember, City of Fresno
Celeste Verba
Councilmember, City of Coarse

San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

AGENDA
Thursday, December 20, 2007
9:00 a.m.

Meeting held via video teleconference (VTC) system with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield). Governing Board meetings are webcast.

All meeting attendees are advised that all pagers, cellular telephones and any other communication devices should be powered off upon entering the Governing Board Room or VTC Rooms, as these devices interfere with our audio equipment.

Any member of the public may address the Governing Board during both the public comment period and on any scheduled item or the agenda. Comments are limited to a maximum of three minutes per speaker unless, for good cause, the Chair amends the time limit.

- The San Joaquin Valleyside Air Pollution Study Agency Governing Board WILL MEET prior to this meeting.
- Please provide 15 copies of any information intended for use at Governing Board Meetings to the Clerk to the Board prior to the Meeting.
- To request special accommodations for those persons with disabilities please contact the Clerk to the Board at (559) 226-9000 at least 7 days prior to the meeting date.
- The Governing Board relies on the credibility of witnesses and the veracity of testimony on matters brought before this Board for action.
- Please print your name clearly on the Sign-in Sheet at the entrance.
- The Agenda is available online at www.valleymire.org.
SJVUAPCD Governing Board
MEETING AGENDA
December 20, 2007

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF CONSENT CALENDAR—Item numbers (16-25). See page 4 for description of items. These items are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item.

4. PUBLIC COMMENT—This time is made available for comments from the public on matters within the Board’s jurisdiction that are not on the Agenda. It is requested that no comments be made during this period on items on the Agenda. The public may make comments on each Board Agenda item during the time allowed for public comment. Attention is called to the fact that the Board is prohibited by law from taking action on matters discussed that are not on the Agenda.

5. CHAIRMAN’S END OF THE YEAR REPORT

6. RECOMMENDATIONS FROM THE GOVERNING BOARD’S AD HOC SUBCOMMITTEE FOR ADMINISTRATIVE ISSUES RELATED TO SB719
Staff Report Attachments Presentation

7. ELECTION OF OFFICERS Staff Report Attachments Presentation

8. REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)

9. APPROVE ADDITIONAL STAFFING AND RELATED RESOURCES TO ACCOMMODATE THE CURRENT AND FUTURE WORKLOAD ASSOCIATED WITH THE DISTRICT’S ENHANCED EMISSION REDUCTION INCENTIVE PROGRAM Staff Report Attachments Presentation

10. PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 2020 (EXEMPTIONS); REVISED PROPOSED AMENDMENTS TO RULE 4621 (GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS, BULK PLANTS, AND DELIVERY VESSELS); REVISED PROPOSED AMENDMENTS TO RULE 4622 (GASOLINE TRANSFER INTO MOTOR VEHICLE FUEL TANKS); REVISED PROPOSED AMENDMENTS TO RULE 4624 (ORGANIC LIQUID TRANSFER)
Staff Report Attachments Presentation

11. INFORMATIONAL ITEM: POTENTIAL CRISIS FACED BY AGRICULTURAL SOURCES IN THE VALLEY—ABSENCE OF Viable ALTERNATIVES TO OPEN BURNING FOR ORCHARD REMOVALS Staff Report Attachments Presentation
12. RECOGNITION OF JOHN BEYER FOR SERVICE TO US DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE AND EFFORTS TO IMPROVE VALLEY AIR QUALITY

13. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)—Report presented by ARB Staff

14. EXECUTIVE DIRECTOR/APCO COMMENTS

15. GOVERNING BOARD MEMBER COMMENTS

ADJOURN

Next scheduled meeting of the Governing Board: Thursday, January 17, 2007. Meeting starts at 9:30 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.
CONSENT CALENDAR ITEMS (16-25)

16. APPROVE ACTION SUMMARY MINUTES FOR THE GOVERNING BOARD MEETING OF THURSDAY, OCTOBER 25, 2007  Staff Report  Attachments

17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2007-98  Staff Report  Attachments

18. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR OCTOBER AND NOVEMBER, 2007  Staff Report  Attachments  Presentation

19. RECEIVE AND FILE BUDGET STATUS REPORT AS OF NOVEMBER 30, 2007  Staff Report  Attachments  Presentation

20. REAPPOINT PRIMARY AND ALTERNATE ATTORNEY AND ENGINEER MEMBERS TO REGIONAL HEARING BOARDS  Staff Report  Attachments  Presentation

21. RECEIVE AND FILE DISTRICT'S ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY  Staff Report  Attachments  Presentation

22. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 3010 (PERMIT FEE), RULE 3020 (PERMIT FEE SCHEDULES), RULE 3030 (HEARING BOARD FEES), RULE 3040 (OPEN BURNING FEES), RULE 3050 (ASBESTOS REMOVAL FEES), RULE 3060 (EMISSION REDUCTION CREDIT RANKING FEE), RULE 3070 (OTHER CHARGES), RULE 3110 (AIR TOXICS FEES), RULE 3120 (REGULATION VIII ALTERNATIVE COMPLIANCE PLAN REVIEW FEE), RULE 3135 (DUST CONTROL PLAN FEE), RULE 3140 (FEES FOR CERTIFICATION OF AIR PERMITTING PROFESSIONALS), RULE 3150 (FEES FOR PORTABLE EQUIPMENT REGISTRATION), RULE 3155 (PERMIT-EXEMPT EQUIPMENT REGISTRATION FEES), RULE 3160 (PRESCRIBED BURNING FEES), RULE 3180 (ADMINISTRATIVE FEES FOR INDIRECT SOURCE REVIEW), AND RULE 3190 (CONSERVATION MANAGEMENT PRACTICES PLAN FEE); AND THE PROPOSED REPEAL OF RULE 3080 (ATMOSPHERIC ACIDITY PROTECTION ACT PROGRAM FEE) AND RULE 3090 (CALIFORNIA CLEAN AIR ACT FEES)  Staff Report  Attachments  Presentation

23. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 7011 (HEXAVALENT CHROMIUM - CHROME PLATING AND CHROMIC ACID ANODIZING OPERATIONS)  Staff Report  Attachments  Presentation
24. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH TEJON MOUNTAIN VILLAGE LLC TO RECEIVE FUNDS IN THE AMOUNT OF $10,210,200 FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED "TEJON MOUNTAIN VILLAGE" DEVELOPMENT PROJECT  Staff Report  Attachments  Presentation

25. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH JOHN M. ANTONIOVANNI TRUST, TO RECEIVE FUNDS IN THE AMOUNT OF $2,497,260 FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED "SILVER CREEK PLAZA" DEVELOPMENT PROJECT  Staff Report  Attachments  Presentation
Appendix D-4: Appendices A, D and E

During the course of review of the Draft EIR, the County determined that incorrect model outputs were inadvertently attached to Appendix D-4, Air Quality Technical Report. All textual references in Section 4.3, AIR QUALITY AND CLIMATE CHANGE, of the Draft EIR, as well as in Appendix D-4 of the Draft EIR were based on the correct model outputs. Therefore, the Draft EIR presented correct emissions estimates, and no analysis or conclusions in the Draft EIR have been changed. However, three appendices to Appendix D-4 (Appendices A, D and E) contained incorrect model output. These three appendices have been revised to include the correct data and are attached to this Chapter 7 as Attachments B, C and D.

Appendix E-1: Appendix I, Page 4-5

Approximately 132,009 ac. of Tejon Ranch are included in the 1976 designation of condor critical habitat by the FWS; approximately 18,000 ac. are within the TMV planning area. The Tejon Ranch area unit of designated condor critical habitat comprises approximately 134,876 ac.; of this, approximately 131,947 ac. are within the Tejon Ranch boundary, inclusive of the 3,886 ac. of in-holdings not owned by TRC. “Critical habitat” means geographical areas that may be occupied or unoccupied by a species and that possess physical or biological features that are “essential to the conservation of the species” and may require “special management considerations or protection” by the federal government. The FESA requires that, prior to taking an action that may affect critical habitat, any federal agency that has jurisdiction within designated critical habitat must consult with the FWS to determine if any proposed activities by that agency, or authorized by that agency, could destroy or adversely modify critical habitat. This report identifies potential impacts on designated condor critical habitat and why proposed development (consisting of an approximately 7,907,867 ac. proposed development envelope with in which approximately 5,082 ac. would actually be developed) associated with the TMV Project will not adversely modify this habitat pursuant to the FESA.

Appendix E-1: Appendix I, Page 44

Approximately 605,190 ac. within California were designated by the FWS in 1976 as critical habitat for the condor (41 FR 41914–41916), approximately 131,947 ac. of which occur within the Tejon Ranch boundary (including in-holdings not owned by TRC), and Approximately 19,091 ac. of which critical habitat occur within the TMV Planning Area, which includes, but is larger than, the 26,417-acre TMV Specific Plan area. Approximately 18,000 ac. of critical habitat are located within the 26,417-acre TMV Specific Plan area.

Appendix E-1: Appendix I, Page 48

The Tejon Ranch area unit of designated condor critical habitat comprises approximately 134,876 ac. (Figure 9); of this, 131,947 ac. are within the Tejon Ranch boundary, inclusive of the 3,886 ac. of
ac. of in-holdings not owned by TRC. Approximately 95,068 ac. (72%) of the designated critical habitat within Tejon Ranch are within Covered Lands as defined by the MSHCP and approximately 19,091 ac. are within the TMV Planning Area boundary, which includes, but is larger than, the 26,417-acre TMV Specific Plan area. Approximately 18,000 ac. of critical habitat are located within the 26,417-acre TMV Specific Plan area.

Appendix E-1: Appendix I, Page 50

The TMV Planning Area is located in the southwest corner of the Tejon Ranch area of designated critical habitat. As discussed above, approximately 19,091 ac. (14.5%) of the 131,947 ac. of total critical habitat on Tejon Ranch are located within the TMV Critical habitat acreage within the TMV Planning Area boundary. This acreage amounts to approximately 3.1% of the total 605,190 ac. of condor critical habitat designated by the FWS in 1976 (41 FR 41914–41916). Approximately 18,000 ac. of critical habitat are located within the 26,417-acre TMV Specific Plan area, approximately 3% of the total 605,190 ac. of condor critical habitat designated by the FWS in 1976 (41 FR 41914–41916).

Appendix E-1: Appendix I, Figure 9, Legend

Critical Habitat including In-Holdings

Appendix E-1: Appendix I, Page 48

As discussed above, the TMV Planning Area boundary encompasses approximately 19,091 ac. of the 131,947 ac. of Tejon Ranch area critical habitat. Approximately 4,800 ac. (3.6% of the total Tejon Ranch critical habitat area) of the total TMV Specific Plan disturbance area envelope of approximately 7,867 ac. lies within designated critical habitat. However, of this 7,867 ac. disturbance area envelope, only approximately 5,082 ac. will actually be impacted by development at full build out of the TMV Project, so it is assumed that Consequently, the actual loss of critical habitat due to the TMV Project will likely be less than 4,800 ac. because not all of the development envelope within critical habitat will eventually be developed. Of this, an estimated Approximately 1,337 ac. (approximately 1% of critical habitat within Tejon Ranch) of the 4,800 ac. portion of the TMV development envelope within critical habitat contains will be impacted that are considered suitable condor foraging habitat. As a result, the TMV Project could impact up to 4,800 ac. of critical habitat and approximately 1,337 ac. of suitable condor foraging habitat.

Appendix E-2

As described in the letter sent by the Kern County Planning Department and reproduced in reference to page iv, above, Appendix E-2 was mislabled. The cover page is changed to read:
Appendix E2
Special Management Areas Jurisdictional Delineation

Appendix E-3

As described in the letter sent by the Kern County Planning Department and reproduced in reference to page iv, above, Appendix E-3 was mislabeled. The cover page is changed to read:

 Appendix E3
Jurisdictional Delineation Special Management Areas

Appendix G-1

As explained in the letter sent by the Kern County Planning Department and reproduced at the reference for page iv of this ERRATA section, the maps contained in Appendix G-1 were inadvertently omitted when the Draft EIR was first made available, and Appendices G-2 and G-3 were mislabeled. Although a correct version of the appendices was sent out two days after the release of the Draft EIR, the maps and appendices are also included here as Attachment F.

Appendix G-2

As explained in the letter sent by the Kern County Planning Department and reproduced at the reference for page iv of this ERRATA section, Appendix G-2 was mislabeled. The cover page is changed to read:

 Appendix B2G2
Fault Rupture Hazard Investigation

Appendix I-1

During the course of review of the Draft EIR, the County determined that a reference cited in Appendix I-1 (Draft Tejon Mountain Village Specific Plan Water Quality and Hydromodification Technical Report) was not included in the appendix. This reference, the Tejon Ranch Company Lake Technical Study, is attached to this Chapter 7 as Attachment H.

Several figures were inadvertently omitted from the appendices to Appendix I-1. These figures are included with this Chapter 7 as Attachment I.
### Table 9

TCWD Total Projected Water Demands (AFY)

<table>
<thead>
<tr>
<th>Service Area</th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
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</thead>
<tbody>
<tr>
<td>TIC Service Area</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
</tr>
<tr>
<td>TMV Service Area</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
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<tr>
<td>Other District Operations</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total TCWD</strong></td>
<td>4,002</td>
<td>4,102</td>
<td>4,002</td>
<td>4,102</td>
<td>4,102</td>
</tr>
</tbody>
</table>
7.4 Figures

The following eighteen figures are new or revised figures that have been added to this Chapter 7.

Figure 3-12: Development Caps

Figure 3-14: Proposed Backbone Vehicular Circulation Plan

Figure 4.1-13: View Simulation, Night-time

Figure 4.1-14: Viewshed Relationship of TMV to Mount Pinos Viewing Station

Figure 4.1-15: Viewshed Relationship of Tejon Mountain Village to Fort Tejon

Figure 4.4-4a: Vegetation Map and Other Biological Resources on the Department of Water Resources Parcel

Figure 4.4-4b: Proposed Department of Water Resources Swap Site Area

Figure 4.15-2: Study Area

Figure 4.15-3 LOS Classifications for Study Area Freeways

Figure 4.15-4: Local Study Area

Figure 4.15-5a: Proposed Ultimate I-5 Lebec Road Interchange Improvements: Roundabout Intersection

Figure 4.15-5a1: Proposed Ultimate I-5/Lebec Road Interchange Improvements: Conventional Intersection

Figure 4.15-5a2: Proposed Single Lane Freeway Exit

Figure 4.15-5a3: Proposed Lebec Interchange Improvements

Figure 4.15-5b: Proposed I-5/Fort Tejon Road Interchange Auxiliary Lane Improvements

Figure 4.15-5c: Proposed I-5/Frazier Mountain Park Road Interchange Improvements

Figure 4.15-6: 2030 With Project Peak Hour Volumes: Lebec Interchange Area

Figure 4.15-7: Project Roadway Classifications and ADT Volumes
FIGURE 3-14
FIGURE 4.4-4a

County of Kern
Chapter 7. Responses to Comments

Tejon Mountain Village

Vegetation Map and Other Biological Resources on the Department of Water Resources Parcel

EIR

Final Environmental Impact Report
Tejon Mountain Village Specific and Community Plan
August 2009

7-216
FIGURE 4.15-3

Legend
- Allowable LOS "E"
- Allowable LOS "D"
- Allowable LOS "C"

Figure 4.15-3
LOS CLASSIFICATIONS
FOR STUDY AREA FREEWAYS
FIGURE 4.15-5a

Proposed Ultimate 1-5/Lebec Road Interchange Improvements Roundabout Intersection Alternative.
FIGURE 4.15-5a1

Proposed Ultimate 1-5/Lebec Road Interchange Improvements Conventional Intersection Alternative.
FIGURE 4.15-5a2

500-12
January 4, 2007

HIGHWAY DESIGN MANUAL

Figure 504.2B
Single Lane Freeway Exit

<table>
<thead>
<tr>
<th>R (ft)</th>
<th>Min. DL (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 300</td>
<td>570</td>
</tr>
<tr>
<td>300 - 499</td>
<td>470</td>
</tr>
<tr>
<td>500 - 999</td>
<td>420</td>
</tr>
<tr>
<td>1,000 &amp; over</td>
<td>270</td>
</tr>
</tbody>
</table>

NOTES:
1. Minimum length between exit nose and end of ramp is 525' for full stop at end of ramp.
2. "DL" distance should be lengthened for descending short radius curves, or if entered from a sustained downgrade.
3. On freeway to freeway connections the right paved shoulder shall be 10' - Table 302.1
4. On single- and two-lane freeway to freeway connections the left paved shoulder shall be 5' - Table 302.1
5. Contracting surface treatment (See index 504.272) (Advisory standard)

Proposed Single Lane Freeway Exit
FIGURE 4.15-5a3

OPENING DAY
(Start-up)

STAGING CONCEPT 1B

STAGING CONCEPTS 2 & 3

Legend

- Improvements
- Completed Improvements

Proposed Lebec Interchange Improvements
Proposed I-5/Fort Tejon Road Interchange
FIGURE 4.15-5c

Proposed I-5/Frazier Mountain Park Road...
FIGURE 4.15-7
7.5 Global Responses

Many comments addressed similar topics. For these comments, three Global Responses have been prepared and are presented below. Throughout the Responses to Comments in Section 7.6, when comments pertain to these topics, the reader is directed to the Global Response, with supplemental responses also provided in response to specific comments as warranted.

7.5.1 Castac Lake

A. General Approach

Castac Lake (Lake) is a natural lake in the western portion of Tejon Ranch adjacent to the Lebec Road exit of Interstate 5, and as such is part of the "environmental setting" against which Project impacts were evaluated in the Draft EIR. The Project does not include any development or use of the Lake, which is a sensitive natural resource. Avoiding development and recreational uses of the Lake (e.g., avoiding the creation of a marina facility) and avoiding the use of water from the local aquifers below the Lake, were two of the more significant environmental improvements made to the Project in response to comments on the Notice of Preparation (NOP) and in various community meetings. (Other environmental improvements included avoiding development of higher value ridgeline areas that were important to the condor, for example.)

The Draft EIR comprehensively evaluated the Lake in relation to the Project, and identified both impacts and mitigation measures to protect the Lake. This Global Response first includes page references from the Draft EIR that pertain to Castac Lake, then addresses questions regarding the Lake's history and other comments regarding the environmental issues associated with the Lake, and concludes with responses to additional CEQA issues raised in connection with the Lake.

B. Evaluation of Castac Lake in Draft EIR

The Draft EIR included Castac Lake in all appropriate sections of the Draft EIR. The following Table shows each chapter of the Draft EIR and where discussion of Castac Lake and proposed mitigation has been included.
<table>
<thead>
<tr>
<th>LOCATION OF DISCUSSION</th>
<th>SUMMARY</th>
<th>PAGE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1, EXECUTIVE SUMMARY</td>
<td>Castac Lake identified as a surrounding land use</td>
<td>1-4</td>
</tr>
<tr>
<td>Section 2, INTRODUCTION</td>
<td>Facilities directly adjacent to Castac Lake are no longer part of the Project</td>
<td>2-9</td>
</tr>
<tr>
<td>Section 3, PROJECT DESCRIPTION</td>
<td>Castac Lake is a physical feature located west of the Project site</td>
<td>3-2</td>
</tr>
<tr>
<td></td>
<td>Largest areas of relatively flat terrain within and adjacent to the Project area are located around Castac Lake and in the Grapevine Creek Valley</td>
<td>3-3</td>
</tr>
<tr>
<td>Section 4.1, AESTHETICS/LIGHT AND GLARE</td>
<td>Reference to historical and current lake level management; Castac Lake is not part of the Project, however it is visible from certain public or private viewpoints and represents the most important visual resource in these views; the vividness, intactness and unity of these views is described</td>
<td>4.1-2 – 4.1-7</td>
</tr>
<tr>
<td>Section 4.4, BIOLOGY</td>
<td>Discussion of those wildlife resources found at or near the Project site, including at</td>
<td>4.4-45 – 4.4-67</td>
</tr>
</tbody>
</table>
Castac Lake

Impacts and Mitigation Measures

Mitigation Measures 4.4-18; 4.4-40

Section 4.5, CULTURAL
Portions of the Project site, particularly in the Castac Lake basin are situated on sediments that have been reported to be recent and possibly Pleistocene alluvium; Mitigation Measure 4.5-38

Section 4.5.4, Impacts and Mitigation Measures

Section 4.6, GEOLOGY
Colluvium sediments are thickest in the Castac Valley west of Castac Lake

Section 4.6.2, Environmental Setting
Potential inundation zones are identified in Section 4.6 for Castac Lake because the Lake could generate seiche waves in the event of an earthquake in the region

Section 4.6.3, Regulatory Setting

The surface investigation included Castac Lake and groundwater monitoring wells near Castac Lake; agricultural chemicals have been applied north of Castac Lake; Castac Lake is a large water body mentioned relative to disease vectors; two background samples of arsenic concentrations were taken from Castac Lake

Section 4.7, HAZARDS

Section 4.7.2, Environmental Setting

Reference to historical and current Castac Lake level management and existing hydrological conditions;

Section 4.8, HYDROLOGY

Section 4.8.2, Environmental Setting
water quality; no public access to Castac Lake, though it is stocked with fish; no regular commercial activities occur on the Lake

Section 4.8.3, Regulatory Setting
Castac Lake relative to floodplains, Porter Cologne Water Quality Control Act 4.8-8 – 4.8-10

Section 4.8.4, Impacts and Mitigation Measures
Mitigation Measures 4.8-25; 4.8-26; 4.8-31; 4.8-39 4.8-43 – 4.8-52

Section 4.9, LAND USE
Castac Lake is a physical feature near the western portion of the Project site where localized recreational land uses occur 4.9-2

Section 4.9.2, Environmental Setting
Consistency with General Plan Goal 8 4.9-25

Section 4.9.4, Impacts and Mitigation Measures
Consistency with General Plan Goal 8 4.9-25

Section 4.10, MINERALS
Aggregate resources associated with Cuddy Creek and Castac Lake east of Interstate 5 adjacent to the Project site contain varying amounts of accumulated gravelly deposits 4.10-2

Section 4.10.2, Environmental Setting
The Project would construct two new helipads, one at the east end of Castac Lake 4.11-28

Section 4.11, NOISE

Impact 4.11.6
The Project would construct two new helipads, one at the east end of Castac Lake 4.11-28

Section 4.13, PUBLIC SERVICES

Section 4.13.2, Environmental Setting
Castac Lake, located adjacent to the Project site, is used as a water source for firefighters 4.13-3

Section 4.16, UTILITIES
**Section 4.16.2, Environmental Setting**

A box culvert currently passes flow from the Castac Lake watershed to Grapevine Creek beneath Lake Drive

**Section 6, ALTERNATIVES**

The Project was modified from the NOP alternative, including the elimination of residential, commercial, and recreational development along the Castac Lake shoreline

**Section 6.5.3, Alternative 3**

The proposed Project includes measures that would protect and enhance onsite water quality and hydrology, including the reduction of flooding risks downstream from Castac Lake and the repair and improvement of onsite drainages that would improve the quality of water draining into the Castac Lake watershed and groundwater basin

Development would be concentrated in the Castac Lake area, where aquatic resources, such as fringing wetlands and larger drainages to the Lake occur
C. History and Management of the Castac Lake

Tejon Ranch Company (TRC), the owner of Tejon Ranch, manages the Lake and other Tejon Ranch lands and activities. Several Commentors raised questions regarding the status of the Lake in relation to the Project, the management of the Lake independent of the Project, the use of water from the Lake, flood and water quality issues associated with the Lake, and other Lake-related topics. This Global Response addresses these issues, as supplemented by individual Responses to Comments in this Chapter 7 that also address specific issues raised by Commentors.

In response to media reports and comments about the Lake, TRC Chief Executive Officer Robert Stine has submitted a letter to the County that describes the history and natural condition of the Lake, an overview of TRC's Lake management efforts, flood and fire management issues in relation to the Lake, and current recreational uses of the Lake. TRC Letter, 2009b. Mr. Stine's letter also addressed questions regarding the groundwater aquifer and community water supplies in relation to the Lake. This TRC Letter is included as Appendix I-3.

The TRC Letter is consistent with the Draft EIR's description of the history and natural conditions of the Lake, and confirms that comments suggesting that the Lake was generally dry or nearly dry are not accurate. The TRC Letter also includes historic photographs of the Lake depicting its "wet" conditions in recent decades.

The TRC Letter also describes TRC's ongoing efforts to manage the Lake, following substantial flood damage caused by the Lake in the winter of 1999-2000. By 2003, TRC had spent more than a million dollars on studies and technical experts to help stabilize the Lake and protect the Lake's water quality. These Lake management activities were informed by studies of the Lake in relation to local groundwater conditions. Technical studies of the Lake (e.g., PACE 2006) were in turn reviewed by, and included as references in, the Technical Reports included as Appendices to the Draft EIR.

The TRC Letter also describes the freshwater Lake conditions that existed as of 2001, and TRC's efforts to maintain water quality, and the fish and other plant and animal species that occurred in and around the Lake. The TRC Letter also confirms that these activities were undertaken based on the advice of experts, and included communications with regulatory agency representatives. Information about plant and animals species in and around the Lake were included in Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES.

The TRC Letter goes on to describe the use of Lake water for regional fire fighting efforts, and includes photographs of fire-fighting helicopters from the California Department of Forestry and Fire Protection (CalFire), the Kern County Fire Department, and the Los Angeles County Fire Department. This existing use of Lake water was described in Section 4.13, PUBLIC SERVICES.

The TRC Letter also addresses concerns about how TRC's management of the Lake, including some utilization of groundwater to stabilize Lake levels, affects local groundwater aquifers and community water supplies. This information is consistent with
information presented in Section 4.8, HYDROLOGY AND WATER QUALITY. It also includes confirmation from a representative of the Lebec County Water District (District), which manages three operating groundwater wells, including one that is near the TRC groundwater wells used to help stabilize the Lake. The District representative confirmed that the two groundwater aquifers within the District's boundaries have sustaining water levels to meet current District demands, and that the wells remain productive and likewise able to handle current District demand. TRC also confirmed its willingness to help develop a Groundwater Management Plan involving the water districts within the Mountain Communities. The Project does not use local groundwater for its water supply, as confirmed by Section 4.16, UTILITIES AND SERVICE SYSTEMS. The Project's impacts and mitigation measures to protect water quality are addressed in Section 4.8, HYDROLOGY AND WATER QUALITY.

The TRC Letter includes a description of the current recreational uses of the Lake (limited to Ranch employees and guests). The TRC Letter also addresses flood risks associated with its Lake management activities. The Lake is managed to an elevation of 3500 feet, and Lake elevation was measured at 3499 feet as of August 2009. As discussed in Section 4.8 of the Draft EIR, HYDROLOGY AND WATER QUALITY, and in these Responses to Comments (see, e.g., Response to Comment 12-H), to conservatively estimate and adequately mitigate Project stormwater impacts in relation to Lake flooding concerns, the Project was designed assuming significantly higher Lake elevations of 3503 feet and 3505 feet. Each foot of elevation provides approximately 400 feet of additional stormwater storage capacity, and with appropriate mitigation (including the further elevation of Lake Drive), the Project was determined not to have a significant adverse impact relative to flooding on a Project-specific or cumulative level.

Finally, the TRC Letter explains why early planning concepts – such as the development of a new marina at the Lake, and the use of local groundwater as the Project's water supply – were dropped to improve the environmental "footprint" of the Project:

"During this more detailed Project planning process, the Lake itself was identified as a significant resource that should be avoided by the Project. We therefore removed the Lake from the TMV [Project] Specific Plan." TRC, 2009b.

D. Environmental Conditions at Castac Lake

Under regulations implementing CEQA (14 Cal. Code Regs. § 15125(a)), an EIR must include "the physical environmental conditions in the vicinity of the Project as they exist" as of issuance of the Notice of Preparation for a Draft EIR. (14 Cal. Code Regs. § 15125(a)). The Lake has and will continue to exist independent of the Project, and is thus appropriately part of the baseline for EIR purposes under CEQA. Comments regarding the initiation of the lake management program more than eight years ago are not relevant to the Project, although information about the Lake management program was included in technical references (see, e.g., reference list for Appendix I-1), and Project impacts to the Lake and Project mitigation measures to protect the Lake are included in the Draft EIR (see, e.g., Section 4.8, HYDROLOGY AND WATER QUALITY).
1. **The Lake does not supply water to the Project.**

The Project water supply does not include groundwater from the Project site, nor does it include any water drawn from the Lake. The Project water supply is described in detail in Appendix N1, Tejon Mountain Village Water Supply Assessment, and also is discussed in the Section 4.16 of the Draft EIR.

2. **The Lake is currently utilized to fight fires.**

Water from the Lake is currently used for regional fire protection and response purposes, as discussed in Section 4.7 of the Draft EIR. The Project, like existing communities as well as other planned projects, anticipates the ongoing use of this emergency fire response water supply as and to the extent it is available.

3. **No new recreational development is proposed for the Lake.**

All recreational uses of the Lake, and Lake access more generally, remain under the control of TRC. The Tejon Ranch Conservancy, which was created pursuant to the Tejon Ranch Conservation and Land Use Agreement to help administer open space resources and enhance public access to Tejon Ranch, is implementing an enhanced public access program which will increase public access to the Ranch. Residents of the new Tejon Mountain Village community, like other Mountain Community residents, will have access to the Lake only through TRC or the Tejon Ranch Conservancy. The Project does not propose any development on or of the Lake, nor does the Project propose any new or different use of the Lake, or any change to the existing status of the Lake under the Kern County General Plan and Zoning Ordinance. The Project does include open space and trail amenities, and includes public access along a trail located to the west of the Lake within the Tejon Mountain Village Specific Plan Area.

4. **Natural Condition of Castac Lake.**

The Lake has always existed at Tejon Ranch, with water elevation levels that have fluctuated based on precipitation. The Lake was virtually dry as recently as 1989, and then filled from precipitation and runoff through the 1990’s, eventually reaching a level during the winter of 1999-2000 that caused flooding to the adjacent "Lake Drive" roadway (used both by Tejon Ranch to access Ranch lands, and by the Department of Water Resources ("DWR") for access to maintain the California Aqueduct).

It is not factually accurate that prior to 2001, the Lake was a "natural salt marsh," nor would it revert to that condition if the Project does not move forward. Similarly, it is not factually accurate that "Castac Lake is naturally dry for much of the year".

The Draft EIR, and all available records, confirm a history of variable water elevation levels. One commentor, for example, quotes from an observation made in 1853 about a "dry bed of a small lake or pond" – an observation made by the observer about that time, and not over any period of time. The same commentor goes on to quote from a 1997 study prepared by TRC that acknowledged significant fluctuations in water surface elevations from year-to-year, periods when the Lake as been "bone dry" and also times "such as in the 1930's to the mid-1940's" that the Lake level was sufficiently high to completely submerge a downed aircraft. The quoted text concludes: "Beginning about
1994, Tejon Lake filled to its highest recent stand since the mid 1940's." Commentor's quoted text is noted for the record.

Regardless of the status of the Project, available historic evidence confirms that – with no groundwater augmentation – the Lake is generally ponded in multi-year wet conditions, the Lake has and does support fresh water species without groundwater augmentation, and the Lake would also go through limited-duration dry years during periods of multi-year drought conditions. Detailed information about the Lake's history and management is included in the PACE Report (2006), a technical reference cited in the Draft EIR that was provided upon request to Commentors during the public comment period. Tejon Ranchcorp has also prepared a letter describing its Lake management activities over time (TRC Letter), which is included as a new Appendix I-3 to the EIR, as described above.

As noted in the TRC Letter, to avoid substantial water elevation fluctuations and associated potential adverse consequences to Ranch access for TRC and DWR, to avoid impacts to existing habitat values and protected species (e.g., through loss or degradation of existing habitat areas), and to avoid impacts to public health (e.g., through windborne distribution of dust from potentially dry lake bed areas), the Lake volume has at some times during and after October 2001 been augmented by groundwater from nearby agricultural wells. A floating aeration system has also been used, starting in 2001, to assist with the management of water circulation and water quality. These management decisions, and ongoing management needs relating to the Lake, exist without regard to the implementation status of the Project, and also pre-date the Project more than eight years ago.

5. Aesthetic Analysis of Lake

One Commentor states that the existing description of the Lake, including the existence of a small boat dock on the eastern shore for occasional use by company employees and guests, and TRC's stocking of the Lake with game fish, is disingenuous because the Lake is the "central aesthetic focal point of the Project development, which was already being planned when Tejon Ranch Company began artificially filling the Lake in 2001." The "Lake is billed as the scenic centerpiece of the proposed development and will be one of its major attractions." The Lake is part of the existing environmental setting, and the Draft EIR appropriately considers the Project as a potential adverse aesthetic impact to the Lake. Specifically, Castac Lake is classified as an "important visual resource" which is "not part of the Project". Draft EIR p. 4.1-5. Impairment of views is identified as a substantially degradation of existing visual character and quality of the Project site and its surrounding (Draft EIR, Impact 4.1-3), structures built between Interstate 5 and the Lake include a mitigation requirement to help address this aesthetic impact, other mitigation measures are required Project-wide to address aesthetic impacts, but even with these mitigation measures this impact remains significant and unavoidable. Draft EIR p. 4.1-23. Far from being a "central aesthetic focal point of the Project development," the Project causes an adverse aesthetic impact to the Lake. The rationale and timing for the Ranch's management of the Lake is addressed in detail in Appendix I-3.

6. TRC Use of Groundwater to Stabilize Lake.

Several Commentors questioned TRC's use of groundwater to help stabilize the Lake, with one Commentor asserting that TRC's management of the Lake is a "violation of the
Kern County General Plan's goal/policy" to "ensure that adequate supplies of quality (appropriate for intended use) water are available to residential, industrial, and agricultural users within Kern County. In current and Project ongoing drought conditions, the effects of this diversion of groundwater will become increasingly severe." One Commentor also quotes from another technical report referenced in a Draft EIR technical appendix, Stetson (2006), which notes that there may be an insufficient water supply for all existing uses inclusive of some planned development (including the proposed new Frazier Park Estate (FPE) Project for which an EIR process is also underway) but excluding the Project. One Commentor noted that they had also received the FPE EIR (also undergoing public comment), which also addresses groundwater resources, and available groundwater supplies in the localized groundwater basin. The same Commentor also quotes from another technical report prepared for the Frazier Park/Lebec Specific Plan (Schmidt), which calls for a long-term groundwater monitoring program, and noting that available data from an Urban Water Management Plan reports "extreme swings" in groundwater levels. As noted in Appendix I-3, TRC would also be supportive of the initiative of a more comprehensive groundwater management planning process. However, as the Commentor itself also notes, "the [Stetson Report] assessment was made without considering the Project pumping." As explained in the Draft EIR, the Project does not include any pumping of groundwater, or groundwater utilization.

Some Commentors requested completion of a long-term groundwater monitoring plan prior to Project approval to ensure that the water supply of present day users and those users already planned for in the Frazier Park/Lebec Specific Plan will not be diminished. Because the Project is not proposing to use groundwater, the Project will not impact groundwater utilization by existing and future users on a Project-specific or cumulative level. The fact that the Project will not use local groundwater supplies effectively enhances the availability and certainty of such supplies that remain available for other existing and planned users. Commentors' concerns about this existing TRC management of the Lake, and the adequacy of local groundwater resources to serve existing and planned new development, are noted for the record. Commentor is directed to Appendix I-3 for further information on this issue.

7. **Groundwater Utilization is Not an Indirect Project Effect.**

One Commentor stated that the environmental impacts of ongoing groundwater discharges must be considered at least an indirect physical change that is caused by the Project. The CEQA Guidelines, however, define as "indirect effects" those effects which are "caused by the Project and are later in time or farther removed in distance, but are still reasonably foreseeable." (Guidelines § 15358(a)(2).) Lake management was not "caused by" the Project; in fact the PACE Report and other information show that the Lake has always existed, flooding and other Lake management issues pre-date the Project by decades, and the current Lake management strategy was undertaken after a costly road relocation effort prompted by a 1999-2000 flood that pre-dated any use of groundwater to stabilize the Lake level.

8. **Flood Risks are a Factor in Lake Management.**

Some Commentors stated that TRC's existing Lake management practices have caused or contributed to flood risks. As described in both the PACE Report (2006) and in Appendix I-3, flooding has occurred during natural lake cycles, including for example the
1999-2000 flood event that forced relocation of the damaged Lake Drive adjacent to the Lake. As noted in Appendix I-3, the Lake and adjacent streams also remain subject to regional flood risks more generally, such as the 2005 flooding of Grapevine Creek (and virtually all other regional surface waters including the Lake), and cause major regional flooding challenges and damages including the shutdown of I-5 south of Tejon Ranch when a new stream surfaced across this decades-old highway. The Lake elevations are managed at a level of 3500 feet, and its present elevation (August 2009) is 3499 feet. This includes approximately six feet of vertical capacity prior to the wet season to manage stormwater flows. While it is true that an "empty" lake would provide even more stormwater storage capacity, both the historic record and recent history (starting in the mid-1990's, as acknowledged by Commentor and further supported by the PACE Report) confirm that the Lake is often in a "wet" condition and in recent years (including prior to 2001) was "full" after the wet season. The current managed lake levels, which are equal to or lower than the levels present over several years prior to 2001, provide a comparable level of flood storage capacity to the levels that naturally existed during this time period. PACE, 2006.

9. Mudslides and Subsidence

A Commentor stated that the DRAFT EIR should have evaluated mudslide and subsidence risks due to "elimination of the dry Lake as a natural rainwater collector" and "groundwater withdrawal" and further notes that CEQA requires that "all phases of the Project must be considered when evaluated its impact on the environment." As described above, Castac Lake is not a seasonally "dry lake" in its natural condition. Groundwater utilization by TRC as part of its Lake management practices, like groundwater utilization by TRC as part of its farming and grazing practices, is not part of the Project. TRC's practices have resulted in an existing environmental setting, with typically rich and diverse biological value, that is described and evaluated in detail in the Draft EIR. All phases of the Project are likewise evaluated in the Draft EIR.

10. Biological Resources at Lake.

A Commenter stated that TRC's management of the Lake has created "environmental issues" including mitigation measures for bald eagles present at the Lake, which may have been present during the winter months at an intermittent Lake but would not have been present as a breeding species at the Lake. As the lead agency for CEQA purposes, the County is required to use the existing physical setting to evaluate Project impacts. Biological studies at the Lake have confirmed that bald eagles are present, warranting inclusion of the referenced mitigation measure. The mitigation measure is designed to avoid and minimize Project impacts to the existing setting, including bald eagles. The inclusion of bald eagle mitigation measures does not result in the inclusion of the Lake into the Project. One Commenter also asserted that the "natural Castac Lake is a unique, saline environment that cycles between aquatic and terrestrial habitat, depending on time the year and amount of rainfall in the previous rainy season [sic]." As the lead agency for CEQA purposes, the County is required to evaluate the Project against the existing environmental conditions. As described above, the existing conditions include the current Lake and the current mosaic of habitat types and species occurrences. This is the appropriate environmental baseline for Project evaluation purposes, rather than hypothetical prior conditions. The comment is nevertheless noted for inclusion in the record and consideration by decisionmakers.
11. Recreational Uses of the Lake.

A Commentor stated that the "selection of the Castac Basin as a location for a recreational lake is problematic at best and disastrous at worst." There is no indication that Castac Basin was "selected" for the location of a recreational lake. The record demonstrates that Castac Lake has always existed in the basin. Recreational use of the Lake by the property owner, TRC, is extremely limited, as noted in the Draft EIR. The Project does not propose any recreational uses of the Lake as part of the Project.

E. Other CEQA Issues and Castac Lake

Some Commentors raised questions about the procedural requirements of CEQA in relation to the Lake. These issues and responses are included below.

1. Avoiding development of the Lake does not require a new Notice of Preparation (NOP) or a Recirculated Draft EIR.

The Notice of Preparation (NOP), and comment letters received on the NOP, are attached to the Draft EIR as Appendix A. Under CEQA, the purpose of an NOP is to notify responsible and trustee agencies of a lead agency's decision to prepare an EIR for a Project, and to solicit guidance from these responsible and trustee agencies as to the "scope and content of the environmental information that is germane to the statutory responsibilities" of these responsible and trustee agencies to assist the lead agency in preparing the EIR. Pub. Res. Code § 21080.4(a); 14 Cal. Code Regs. § 15375. An NOP is to be "brief" (14 Cal. Code Regs. § 15375), and must include the location of the Project, a description of the Project, and the probable environmental effects of the Project. 14 Cal. Code Regs. § 15082(a)(1). An Initial Study may be included in the NOP, but is not a mandatory component of the NOP. The NOP for the Project did include an Initial Study.

Kern County distributed the NOP to a broader distribution list than required by CEQA, including non-agency organizations and members of the public who had requested to receive this and other CEQA documentation about the Project. Commentors raised questions and concerns about various Project features identified in the NOP. Consistent with CEQA's objective of avoiding and minimizing environmental impacts as soon as possible in the review of environmental documents (Pub. Res. Code § 21003.1(a)), modifications to Project features to reduce Project impacts were undertaken in response to NOP comments and the further environmental studies that were completed as part of the EIR preparation process. For example, the Project site was reduced by approximately 1800 acres to 26,417 acres, the number of golf courses was reduced from four to two, residential development was pulled away from the higher elevations of Geghus Ridge and from Oso Canyon, and the residential, commercial and recreational development along and in the Lake (including new docks for boats) were eliminated. These modifications reduced impacts to the California condor and other special-status species, and also reduced impacts to sensitive habitats (including the Lake and its adjacent riparian areas).

Consistent with CEQA's public disclosure goals, Section 2.4.2 of the Draft EIR explains the modifications to the Project features made by the applicant in response to these NOP comments and further environmental studies. Additionally, Section 6.5.3 of the Draft EIR includes an analysis of the environmental effects of the original Project features
described in the NOP (NOP Alternative), compares these with modified Project features in the proposed Project, and concludes that the proposed Project has far fewer environmental impacts than the NOP Alternative. The one new impact of the proposed Project – an aesthetic impact to drivers along I-5 – resulted from locating Project commercial uses closer to the highway, at a greater distance away from the sensitive natural resource areas at the Lake.

In contrast to the "brief" NOP that must only describe the location of the Project, a description of the Project, and probable environmental effects of the Project (discussed above, per 14 Cal. Code Regs. § 15082(a)(1)), an EIR must include far more detailed Project description information. For example, an EIR must include "the precise location and boundaries of the proposed Project" not just the general "Project location" required in the NOP. 14 Cal. Code Regs. § 150124(a), emphasis added. The Project description in an EIR must include both Project objectives and a description of the Project's "technical, economic and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." 14 Cal. Code Regs. § 15124(b),(c). Additionally, an EIR must include "[a]ll phases of the Project." 14 Cal. Code Regs. § 15126. The Project description included in the EIR meets these criteria, and is an accurate, stable and finite Project description as required by CEQA.

While there are several cases cited by one Commentor that focus on the need for an accurate, stable, and finite Project description, all of these cases involve alleged improper changes to the Project description included in the EIR itself, and none involve cases in which Project features – but not the Project location or Project description – have evolved between the NOP and the Draft EIR. For example, in the leading such case, County of Inyo, 71 Cal. App. 3d at 192-193, the Project description improperly changed within the EIR document itself, to the degree that the court concluded that it was not an informative and legally sufficient EIR.

Eliminating development of Castac Lake from the NOP also does not warrant a recirculated Draft EIR. Recirculation of a Draft EIR is required if significant new information about the Project is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification of the Final EIR. (CEQA Guidelines, § 15088.5, emphasis added.) Recirculation is not required or appropriate when environmental improvements are made to a Project after the NOP, but are included in the Project Description and Draft EIR. Recirculation of the Draft EIR is required if, for example, the information is "significant" such that the public is deprived of the opportunity to comment on a significant Project impact (if, for example, the impact was not identified in the Draft EIR). Id.
Recirculation is not warranted for the Draft EIR based on this and related CEQA recirculation requirements.

In summary, the Draft EIR includes an accurate, stable and finite Project description. Environmental improvements made as a result of comments on the NOP and further environmental studies, which resulted in modified Project features that avoid commercial, residential and recreational development adjacent to or in the Lake, are fully explained in the Draft EIR, and the relative environmental impacts of the proposed Project in comparison to the NOP Alternative are likewise fully explained in the Draft EIR. The Draft EIR served its purpose as a public information document, and it served its purpose in prompting the early and ongoing reduction in Project impacts intended by CEQA.
2. **Castac Lake is not part of the Project.**

Several Commentors said that Castac Lake must be included as part of the Project, referring to the location of the Lake in relation to Project boundaries and the inclusion of lake recreation and lakefront development (e.g., new docks etc.) in prior communications by representatives of Tejon Ranchcorp. Some Commentors, for example, have referred to a 2003 presentation made by Tejon Ranchcorp Chief Executive Officer Robert Stine, in which Mr. Stine described potential future recreational uses of the Lake as part of a new "concept" for the future Tejon Mountain Village Project. TRC's decision to remove the Lake from the Project based on an evaluation of the environmental sensitivity of the Lake is described in Part B of Global Response 7.5.1, above.

CEQA requires that all components of a Project being proposed for approval must be described in the EIR. S. Kostka et al, *Practice Under the California Environmental Quality Act*, § 12.8. The Lake is an existing environmental feature for which no agency approvals are being sought, nor does the Project propose any modifications to the Lake. The Lake is identified throughout the Draft EIR as part of Tejon Ranch, and is part of the setting against which Project impacts must be and have been evaluated. Major excerpts of the Draft EIR relating to the Lake are compiled in Part A of Global Response 7.5.1, above, for the convenience of reviewers.

All phases of the Project were evaluated in the Draft EIR, as were off-site Project components including infrastructure improvements. The Draft EIR also evaluated Projects that were planned or proposed in the vicinity of the proposed Project in the cumulative impacts analyses that was included in each subsection of Chapter 4 of the Draft EIR.

3. **The current condition of the Lake was appropriate to use for the baseline condition in the Draft EIR.**

As appropriate under CEQA, the Lake is part of the existing setting against which Project impacts are appropriately evaluated. 14 Cal. Code Regs. § 15125(a), states that an EIR must include "the physical environmental conditions in the vicinity of the Project as they exist" as of issuance of the NOP.) The Lake has and will continue to exist independent of the Project, and is thus appropriately part of the baseline for EIR purposes under CEQA. Comments regarding the initiation of the lake management program more than eight years ago are not relevant to the Project, although information about the Lake management program was included in technical references (see, e.g., reference list for Appendix I-1), Project impacts to the Lake and Project mitigation measures to protect the Lake are included in the Draft EIR (see, e.g., Section 4.8, Hydrology and Water Quality).

For example, one Commentor noted that "using baseline data collected after intervention in the Lake was begun would undermine the statutory intent of CEQA", noting that "CEQA requires a good faith effort at full disclosure." In fact the Draft EIR includes this very clear and simple disclosure: " Prior to 2001, water levels in the Lake fluctuated in accordance with local rainfall and other weather conditions. Since 2001, the Tejon Ranch Company has maintained the Lake surface at approximately 3,503 feet by discharging groundwater into the basin." (Draft EIR at 4.8-4) The Draft EIR goes on to describe in detail the biological and hydrological setting of the Lake, and includes detailed technical appendices (I-1 and I-2) documenting how the Project will avoid
adverse impacts to the Lake. The technical appendices in turn include further technical studies as references, which were promptly made available to – and were cited by – commentors such as Lloyd Weins. This documentation meets the CEQA "full disclosure" standard referenced by commentor.

Another Commentor stated that "this alteration of the existing environment [since 2001] has numerous impacts to the environment that must be analyzed in the Draft EIR." In fact, the existing environmental conditions were stabilized as of 2001, and this constitutes the existing physical setting against which Project impacts are appropriately analyzed in the Draft EIR.

4. **Excluding the Lake from Project development is not "piecemealing" under CEQA.**

"Piecemealing" refers to the practice of breaking up a large Project into multiple smaller Projects to understate the impacts of the larger Project. One commentor, for example, stated that excluding the Lake is "piecemealing" based on *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263, 283-284. *Bozung* involved approval by the Local Agency Formation Commission ("LAFCo") of an annexation request for a Project, prior to the completion of any CEQA process or EIR for the Project. In that circumstance the court concluded that LAFCo's approval of a Project-specific annexation request did trigger CEQA – and that attempting to obtain one public agency approval for the Project ahead of other public agency approvals was improper piecemealing. As the court observed on the pages quoted by the commentor, such piecemealing is not allowed by CEQA to assure that "environmental considerations do not become submerged by chopping a large Project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences." The *Bozung* decision is not relevant in this context, however, since no public agency is being asked to approve any portion of the Project prior to the completion of the CEQA process for the whole of the Project, and since the Lake has historically existed at Tejon Ranch (including existing in its present configuration since at least the mid-1990's, and for similar lengthy periods going back to the beginning historical accounts of this region). Commentor further asserts that "disassociating the environmental impacts of the Project from the environmental impacts of artificial groundwater discharges is a prime example of the piecemeal tactic that is illegal under CEQA." Commentor also cited to *Cadiz Land C. v. Rail Cycle* (4th Dist. 2000), 83 Cal. App. 4th 74, 81 as a "comparable case" and that "a revised and circulated Draft EIR is necessary." For reasons noted above, the Project Draft EIR appropriately considers the existing setting in relation to the proposed Project. As discussed in the Draft EIR and summarized in this Global Response and in Appendix I-3, Lake levels have been relatively steady beginning in the mid-1990's based on a combination of natural and managed conditions. These conditions have resulted in an existing physical environment, which is fully and appropriately addressed in the Draft EIR. The Cadiz case resulted from a completely different factual setting: an agricultural landowner challenged an EIR for a proposed new landfill Project that did not consider the impacts of the landfill Project on existing groundwater quality. Here there is no basis for concluding that the proposed new Project does not consider its impacts to the existing Lake.
5. **The corporate structure of the Tejon Mountain Village Project does not avoid the need to evaluate and mitigate impacts to the Lake.**

TRC is a partner in the corporate entity that proposes to implement the Project (TMV, LLC). However, the status of the Lake in the EIR is not relevant to the development entity for the Project. Instead, TRC's management of the existing Lake, like its management of Tejon Ranch as a whole, has resulted in the existing physical setting which is described in detail in every chapter, and every relevant topical section of Chapter 4, of the Draft EIR. TRC's other ongoing management activities, as relevant to the environmental setting and the assessment of Project impacts, are also described, including for example agricultural operations, grazing operations, filming operations, hunting operations, and other activities, are likewise described within each applicable topical section of Draft EIR Chapter 4 and also elsewhere in the Draft EIR (e.g., Section 3.2.3, Existing Characteristics of the Site). Information about the management of the Lake was also included in several technical reports, including for example the PACE Report (2006) that was initially referenced in Appendix I-1; in response to more detailed questions about this aspect of the Lake, the PACE Report, which was also made available upon request during the public comment period to those that asked for it, has been included in a full-text format to the EIR as Appendix I-3.

The Lake is not proposed to be developed by the Project, and no governmental approvals for the Lake are sought as part of the Project. As with other underlying TRC management activities on Tejon Ranch, the Lake exists – and its existence was appropriately described, and Project impacts and mitigation requirements were appropriately prescribed, in the Draft EIR. Also, as described in Appendix I-3, TRC worked with several technical experts over a multi-year period to develop and implement an effective Lake management program, and TRC also works on an ongoing basis with the public agencies that have jurisdiction over Ranch operations and activities. Commentors do not identify any permit that they believe was required but not obtained, the record does not identify any missing permit, and none of the commenting agencies have identified any missing permit. Independent of this TRC permit issue, however, is the County's obligation as the CEQA lead agency to evaluate the Project in relation to the existing environmental setting. The record shows that the Lake has been at approximately similar levels from 1994 to the present, and thus was appropriately used as the existing setting for reasons described in greater detail above. One commenter also requested that a "comprehensive lake management plan" be included in the EIR to address various environmental issue areas. Because the Lake is not part of the Project, TRC's management of the Lake is not dependent on or otherwise a component of the Project, and the Project is not seeking to modify or change the uses or physical configuration of the Lake, the management of the Lake is considered part of the existing environmental setting for EIR purposes, and CEQA does not require or authorize mitigation for existing environmental conditions that are unrelated to a proposed Project.

Issues related to Castac Lake are also discussed in detail in Responses to Comment Letters 12 (Department of Parks and Recreation), 17 (Regional Water Quality Control Board), 22a and 22b (Kern County Engineering and Survey Services), 24 (Center for Race, Poverty and the Environment), 25 (TriCounty Watchdogs), and 46a and 46b (Lloyd Wiens).
7.5.2 Climate Change

Some commentors have raised questions regarding the analysis, significance conclusion and mitigation approach of the Draft EIR with respect to climate change impacts. These concerns are addressed in the discussion that follows.

Analytical Approach

The significance threshold utilized for determining the proposed Project’s climate change impacts is compliance with AB 32’s reduction requirements. The Draft EIR at pages 4.3-100 to 4.3-101 provides background information on AB 32, describes how the utilized performance standard is derived, and explains the analysis of climate change impacts included in the Draft EIR, the Project's adopted mitigation measures, and the Draft EIR's significance conclusion.

Enacted in 2006, AB 32 represents the Legislature's determination of the correct steps for California to take now to resolve climate change impacts while still encouraging growth and development. Health and Safety Code § 38501(h) (“It is the intent of the Legislature that the State Air Resources Board design emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division in a manner that minimizes costs and maximizes California's economy, improves and modernizes California's energy infrastructure and maintains electric system reliability, maximizes additional environmental and economic co-benefits in California, and complements the state's efforts to improve air quality.”). The heart of the bill is the requirement that statewide GHG emissions must be reduced to 1990 levels by 2020.

AB 32 directs the California Air Resources Board (CARB) to set a GHG limit of 1990 levels by 2020. Health & Safety Code §38550. In compliance with AB 32, CARB developed the 2020 GHG emissions numerical target after extensive technical work, including development of a fourteen-year inventory of GHG emissions and exhaustive study of scientific journals and reports. CARB 2009b. On this basis, the numerical target was approved in December 2007 as 427 million metric tonnes of CO₂E (MMTCO₂E). Id. The 2020 projection was separately determined to be 596 MMTCO₂E. CARB 2008a.

The December 2008 adoption of the CARB-prepared Climate Change Scoping Plan: A Framework for Change (Scoping Plan) represented a critical step in implementation of AB 32, pursuant to Health and Safety Code Section 38561. CARB 2008d. The Scoping Plan delineates the strategy to successfully meet the 2020 target and offers a comprehensive set of measures designed to reduce GHG emissions in California. California’s 1990 GHG emissions were 427 MMTCO₂E; California’s projected 2020 GHG emissions, in the absence of AB 32, would be 596 MMTCO₂E. Scoping Plan at 12. To achieve AB 32's directive regarding reductions, California's 2020 emissions must be reduced by 169 MMTCO₂E, approximately a 29% decrease from the 2020 business as usual (BAU) projection. Id. The Scoping Plan defines BAU as the level of emissions that would be produced assuming compliance with applicable state and federal law requirements in effect as of adoption of the Scoping Plan. See Scoping Plan at 11. BAU reflects, for example, Title 24 building standards currently in existence, as opposed to new standards that went into effect on August 1, 2009. Cal.Code Regs. Tit.24, Part 6 (2008). Likewise, while AB 1493, which would require substantial GHG emission reductions from noncommercial passenger vehicles and light-duty trucks, was enacted in 2002, the waiver required to implement the mandated vehicle efficiency had not been granted at the time the Scoping Plan was adopted, and as such, the BAU is not reflective of these requirements. (Note that this waiver has now been granted, resulting in what are anticipated to be significant GHG reductions.)
The County selected compliance with AB 32's emission reduction mandates as the threshold of significance. By ensuring consistency with AB 32's requirements, the Project would ensure that it is contributing its fair share to the emission reductions that the Legislature has determined California must achieve. This threshold was chosen in spite of the fact that the Scoping Plan attributes only 8% of the 2020 BAU emissions inventory to the commercial and residential sector, and allocates minimal emission reduction targets to the land use sector. Scoping Plan at 13. The only measure particularly aimed at the land use sector – regional transportation-related GHG targets – sets a 5 MMTCO2E goal, which represents less than 3 percent of the 169 MMTCO2E necessary reductions under AB 32. Scoping Plan at 47. The Bay Area Air Quality Management District (BAAQMD) has likewise estimated that after allowing for anticipated emission reductions from mobile sources, energy efficiency, and power production reduction categories (for which regulations are currently being developed by applicable state agencies), the land-use driven sector will be responsible for a reduction of only 2.8% of its GHG emissions to satisfy the AB 32 reduction targets. BAAQMD 2009.

Moreover, new housing units represent only a small component of the residential housing sector. One study estimates that only about 150,000 housing units are constructed in California each year, representing just 0.12% of the CO2 emissions in California. ConSol 2008. In order to achieve the reductions required by AB 32, reductions from the residential development sector will need to focus largely on improvements to existing structures. This is recognized in the San Joaquin Valley Air Pollution Control District's (SJVAPCD) recently-released Climate Change Action Plan: Addressing Greenhouse Gas Emissions Under the California Environmental Quality Act, Draft Staff Report (June 30, 2009) (Draft CCAP Report). SJVAPCD 2009a, at 98 ("Because most of California's older buildings were built to lesser or non-existent building efficiency standards, improving the energy efficiency of existing residential and commercial buildings in California could produce substantial GHG benefits.").

Notwithstanding the small allocation of emission reductions to the land use and commercial/residential sectors in the Scoping Plan, and the even smaller role that new construction plays within these sectors, the Draft EIR adopted a threshold of significance for the Project of achieving full emission reductions consistent with AB 32's mandates.

Consistency with AB 32 should be distinguished from consistency with the Scoping Plan itself. AB 32 represents the California Legislature's determination of the appropriate level of GHG emission reduction mandates, i.e., 1990 levels by 2020. Health & Safety Code § 38550. AB 32 directs CARB to develop a scoping plan that identifies the actions necessary to achieve these requirements. Health & Safety Code § 38561. In December 2008, CARB adopted the Scoping Plan, which "proposed a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health." Scoping Plan at ES-1. In contrast to AB 32, which requires specified emission reductions, the Scoping Plan outlines the State's strategy for achieving these reductions. See id. Although the measures identified in the Scoping Plan were developed to achieve AB 32's emission reduction mandates, the Scoping Plan does not itself represent a legislative or regulatory requirement. The Scoping Plan discusses the necessary reductions to achieve AB 32's emission reduction goals. However, these estimates are based on the GHG target and inventory approved by CARB in December 2007 pursuant to AB 32, not on requirements of the Scoping Plan itself. See Scoping Plan at 12. The threshold of significance applied to the proposed Project, therefore, is the Project's consistency with the emission reduction requirements of AB 32 – 29% below BAU – not consistency with the measures identified in the Scoping Plan.
In order to assess the Project's cumulative GHG impacts against a significance threshold of consistency with AB 32, the Draft EIR includes a thorough assessment of the Project's potential GHG emissions resulting from a variety of construction and operational sources including transportation emissions; area source emissions from stationary sources and landscaping activities of commercial, residential and recreational facilities; emissions of hydrofluorocarbons from refrigeration and air conditioning; emissions from commercial and residential building electricity and natural gas/propane consumption; emissions from municipal sources; and emissions associated with use of onsite helipads. Draft EIR at 4.3-80 to 4.3-92.

The proposed Project would result in approximately 208,811 tons per year of CO2E. This represent approximately 0.04% of California statewide emissions in 2004, which totaled 484 million metric tons CO2. Proposed Project emissions are just 0.003% of United States GHG emissions in 2004. Draft EIR at 4.3-187. In the global context, these emissions represent approximately 0.0004% of 2004 worldwide GHG emissions. Id. Therefore, while Tejon Mountain Village is a large project that would constitute a new source of GHG emissions, it would have only a miniscule impact on state, federal, and international emissions of GHGs.

The Draft EIR includes a detailed description of a variety of mitigation measures. In particular, Mitigation Measure 4.3-18 will ensure the Project reduces GHG emissions at least 29% below BAU levels by requiring a focused GHG report prior to the issuance of building permits that will confirm that the Project is achieving the required emission reductions. Draft EIR at 4.3-181. In addition, this mitigation measure has been revised to commit the Project to compliance with any Climate Change Action Plan (CAP) developed by the County. The CAP will specify emission reduction requirements for various sources within the County, with respect to both private and public projects. Please refer to Section 7.3, ERRATA TO THE PROJECT DRAFT EIR.

In addition, Mitigation Measure 4.3-6 includes a Project-wide energy efficiency commitment of more than 25% beyond the Title 24 requirements in effect as of the 2008 adoption of the CARB AB 32 Scoping Plan (on a time dependent valuation basis). Draft EIR at 4.3-128 to 4.3-136, 4.3-180 to 4.3-185. (Title 24 was also amended in 2008, but the new requirements do not take effect until 2009 and are not included in the 25% reduction requirement since the revised Title 24 requirements effective in 2009 were not assumed to be in effect in the CARB AB 32 Scoping Plan.)

Mitigation Measure 4.3-6 is an implementation measure for Mitigation Measure 4.3-18, which requires that the Project reduce its GHG emissions by 29% below BAU. In addition, the energy efficiency commitment in Mitigation Measure 4.3-6 is an implementation measure for the criteria pollutant reduction requirements in Mitigation Measure 4.3-1. In short, Mitigation Measure 4.3-6 is an implementation measure for both Mitigation Measure 4.3-1 and Mitigation Measure 4.3-18.

Mitigation Measure 4.3-18 commits the Project to full compliance with its fair share of AB 32 requirements. As described above, achieving AB 32's emission reduction requirements will require an overall reduction of GHG emissions by approximately 29% below BAU. Although only a small portion of these reductions are expected to come from the commercial and residential, and land use sectors, the Project has committed to full compliance with the 29% below BAU target, and is therefore consistent with the emission reduction requirements of AB 32.

Though the Draft EIR properly determines that the Project will achieve the reduction requirement of AB 32, the Draft EIR also acknowledges that climate change is a global issue that is being
addressed through a multitude of international, national, state, and local efforts. See Draft EIR at 4.3-188 to 4.3-189. Moreover, achieving the AB 32 statewide goal requires reductions from many other sectors and therefore the participation of many other third party agencies. Id.; see also Draft EIR at 4.3-178 to 4.3-180. These other agencies control several factors that will affect the actual GHG emissions generated by the proposed Project. Id. For example, substantial reductions in GHGs will result from increased fuel efficiency standards adopted by the state or federal government. See Draft EIR at 4.3-178. Reductions in GHG emissions will also occur from water delivery services that will provide water supply to the proposed Project need to be implemented by the Department of Water Resources which administers the State Water Project. See Draft EIR at 4.3-179. Similarly, reductions in GHG emissions caused by the generation of electricity will be implemented by the California Energy Commission and Pacific Gas and Electric. See id. In addition, in order to comprehensively address climate change impacts, substantial efforts must be made at the national and international levels.

According to Section 15091(a)(2) of the CEQA Guidelines, lead agencies may not rely upon mitigation that is within the responsibility or jurisdiction of another public agency. Thus, the Draft EIR concludes that, notwithstanding the Project's consistency with AB 32's emission reduction requirements, because third party action will be required to fully achieve AB 32's emission reduction requirements, climate change impacts from the Project are significant and unavoidable. Draft EIR at 4.3-188 to 4.3-189.

The Draft EIR Complies with CEQA's Mitigation Requirements

Some commentors suggest that the Draft EIR does not comply with CEQA's requirements regarding analysis and adoption of mitigation measures. CEQA requires thorough discussion of all mitigation measures proposed to minimize significant environmental impacts from a project, and adoption of all feasible mitigation measures in order to avoid or substantially lessen a project's significant environmental impacts. CEQA §§ 21100(b)(3), 21002, 21002.1(b).

As discussed above, in accordance with CEQA, the Draft EIR thoroughly analyzes a range of mitigation measures that will reduce the Project's GHG emissions. In particular, the Project includes a mitigation measure that will ensure the Project reduces GHG emissions at least 29% below BAU levels by requiring a focused GHG report prior to the issuance of final occupancy permits that will confirm that the Project is achieving the required emission reductions and requires compliance with any CAP adopted by the County. Draft EIR at 4.3-181.

As the Draft EIR explains, additional measures that are being implemented pursuant to AB 32 and other regulatory mandates are expected to result in substantial reductions of GHG emissions associated with the proposed Project as well. Draft EIR at 4.3-177 to 4.3-180. Implementation of Mitigation Measure 4.3-1 requires the applicant to reduce project construction and operational emissions of NOx and PM10 to no more then 2 tons per year. The applicant has chosen achieve reductions beyond that performance standard through a Development Mitigation Contract (voluntary emissions reduction agreement (VERA)) between the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Project applicant. These mitigations are also anticipated to result in co-benefits in GHG emission reductions. See Draft EIR at 4.3-182.

The Draft EIR also includes a thorough analysis of the feasibility of imposing all mitigation measures suggested during the scoping period, as well as additional mitigation measures that have appeared in local newspapers, on web sites, and from other sources including general suggestions from the California Attorney General and environmental groups. Draft EIR at 4.3-189 to 4.3-208.
This analysis also considered mitigation suggested by the South Coast Air Quality Management District (SCAQMD) for mobile source emissions from commercial and residential development.  

_id._

As a result of the Project's mitigation commitments, the Project's GHG emissions will be reduced by at least 29% below BAU and will, therefore, comply with its fair share of AB 32's obligations.

According to Section 15064(h)(3) of the CEQA Guidelines:

lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resource….

AB 32 represents a statewide plan for reducing California's GHG emissions to 1990 levels by 2020, which is specified in law. Because the Project will reduce GHG emissions by at least 29% below BAU and is, therefore, consistent with AB 32, no further mitigation need be adopted.

However, as discussed above, the Draft EIR recognizes that full achievement of AB 32's emission reduction mandates requires action by many third parties over whom the County does not have authority. The Draft EIR, therefore, concludes that the Project's climate change impacts will be significant and unavoidable notwithstanding the Project's itself consistency with AB 32. Because these additional GHG reductions require actions by third parties, however, the Project is not required by CEQA to adopt additional mitigation measures.

**The Project Includes Fair Share Mitigation**

The proposed Project's mitigation requirements are likewise in compliance with the limitations under takings and other related law as to the amount of mitigation-responsibility to which the Project may be subject. The Project reduces GHG emissions by at least 29% below BAU, consistent with AB 32. This reduction in GHG emissions represents the fair share of mitigation proportionate to the impact of the Project which is required by law. CEQA Guidelines Sections 15040(b), 15042(a) and 15126.4(a)(4) make clear that CEQA does not augment the County's authority beyond its existing powers. Mitigation measures must be in accordance with the federal "nexus" and "rough proportionality" standards and other applicable constitutional limitations. See Nollan v. California Coastal Commission (1987) 483 U.S. 825, Dolan v. City of Tigard (1994) 512 U.S. 374, Ehrlich v. City of Culver City (1996) 12 Cal. 4th 854. It would be unconstitutional to require new development to reduce GHG emissions by an amount greater than a project's fair share of GHG emissions – or more than 29% below BAU – compared to other sectors.

Imposing requirements on the Project applicant that exceed the climate change impacts produced by the Project would violate the "rough proportionality" standard and contradict the principle that government cannot force a fraction of the people to assume the cost of public burdens that should otherwise be borne by the public as a whole. See Armstrong v. United States (1960) 364 U.S. 40, 49. The court in Napa Citizens for Honest Government v. Napa County Board of Supervisors, for example, upheld this principle in the context of traffic mitigation. The Napa Citizens court concluded that the County could not reasonably compel the developers within the particular
project area to bear the bulk of the expense for highway improvements which were necessary to alleviate traffic congestion where the increased traffic from the development would account for only a small percentage of the projected traffic congestion. (2001) 110 Cal.App.4th 342, 364 (citing Guidelines § 15126.4(a)(4)(B)); see also SJVAPCD 2009 at 49 ("Furthermore, it is unclear that CEQA provides a legal basis for requiring proponents of large projects to mitigate their project impacts to the extent necessary to compensate for emissions not reduced by smaller projects."). \textit{Napa Citizens} made clear that public burdens should be borne by the public as a whole and the government is not permitted to require some projects to substantially bear the cost of the public burdens. Just as the court in \textit{Napa Citizens} held that the County could not require the developer to pay a substantial portion of necessary highway improvements where the project's impact on traffic would be small in proportion to the cost of the improvements, it is clear that the requirements in this instance greatly exceed the percentage of required emission reductions for this type of development, and therefore cannot be rightfully imposed on the developer.

As explained in the Draft EIR and above, in order to reduce statewide GHG emissions, other sectors must achieve GHG emission reductions through regulatory actions taken by third party agencies over which the County has no jurisdiction. See Draft EIR 4.3-188 to 4.3-189. If the County were to increase the mitigation requirements on a specific project – for example by requiring mitigation to zero emissions – this would violate the constitutional "rough proportionality" standard.

\textbf{Zero Threshold is Not Appropriate}

Some Commentors suggest that the Draft EIR should conclude that any net increase in GHG emissions is significant.

As discussed above, the Draft EIR adopts a threshold of significance of consistency with AB 32. The Project complies with this standard and will achieve emission reductions of at least 29% below BAU in order to mitigate its cumulative climate change impacts.

Agencies that have considered a zero threshold approach have rejected it. For example, despite having been urged to propose a zero-emission threshold, \textit{see, e.g.,} Comments from Center for Biological Diversity et al. on January 9, 2009 Preliminary Draft CEQA Guideline Amendments, in its proposed amendments to the CEQA Guidelines regarding the analysis of GHG emissions released in April, 2009 (Proposed Guidelines), the Office of Research and Planning (OPR) instead left local agencies with discretion to determine what threshold of significance should apply to a project if the threshold is supported by substantial evidence on the record. OPR 2009a. Proposed Guidelines § 15064.4(b), OPR has also released a transmitted letter with the Proposed Amendments. OPR 2009b. In its \textit{Initial Statement of Reasons for Regulatory Action: Proposed Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97} (July 2009) (Resources Agency ISOR) the California Natural Resources Agency recently clarified that Section 15064.4(b)(1) of the Proposed Guidelines is not intended to suggest a zero emission threshold, as CEQA does not include a "one molecule" rule. Resources Agency 2009a at 20; \textit{see also}, OPR 2009b at 44; SJVAPCD 2009a at 34 (explaining that OPR's Proposed Guidelines indicate that "CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological, or other reasons, and a lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is 'less than significant.'"). In fact, in the Draft CCAP Report, the SJVAPCD explicitly rejects a zero-emission threshold, which it believes would be "difficult or impossible" to administer. SJVAPCD 2009a at 48; SJVAPCD 2009d at slide 5.
Nor has the California Attorney General adopted a zero-threshold approach. See, e.g. AG General Plan FAQs ("A single local agency can’t, of course, solve the climate problem. But that agency can do its fair share, making sure that the GHG emissions from projects in its jurisdiction and subject to its general plan are on an emissions trajectory that, if adopted on a larger scale, are consistent with avoiding dangerous climate change.").

Despite receiving comments suggesting adoption of a zero-emission threshold, in its proposed CEQA guidance, CARB has also rejected this approach. CARB 2008b at 4. ("ARB staff believes that for the project types under consideration, non-zero thresholds can be supported by substantial evidence. ARB staff believes that zero thresholds are not mandated in light of the fact that (1) some level of emissions in the near term and at mid-century is still consistent with climate stabilization and (2) current and anticipated regulations and programs apart from CEQA (e.g., AB 32, the Pavley vehicle regulations, the Renewable Portfolio Standard, the California Solar Initiative, and the commitment to net-zero-energy buildings by 2020 (residential) and 2030 (commercial)) will proliferate and increasingly will reduce the GHG contributions of past, present, and future projects."); see also CARB 2008e (CARB's overall approach includes "stringent non-zero thresholds") (emphasis added).

Similarly, the SCAQMD rejected a zero-emission threshold approach. See SCAQMD 2008 at 4 ("Staff does not believe a zero threshold, as recommended by some working group members would be feasible to implement.").

Thus, neither CEQA nor any proposed guidance adopts a zero-emission threshold approach. The Project will achieve its fair share of mitigation and ensure compliance with AB 32's emission reduction mandates; CEQA does not require further mitigating to a zero emissions threshold.

It should also be noted that, although there are no dispositive appellate cases on point, the Los Angeles Superior Court ruled on July 23, 2008 that where the relevant air district has not established a significance threshold for project-specific climate change actions, an EIR is entitled to conclude that project-specific impacts will be insignificant. Decisions on Petitions for Writ of Mandate, Westfield LLC et al. v. City of Arcadia, BS108923 (July 23, 2008). The court held that the FEIR for the commercial development project was not required to analyze GHG emissions on a project specific or cumulative basis. Id. The court also cited to an official statement by Governor Schwarzenegger as he signed SB 97 into law in 2007 expressing his opinion that CEQA litigation is not the right tool for addressing GHG emission reductions, and encouraged development of a coordinated policy to achieve the dual goals of emission reductions and maintaining a vibrant economy before litigating over the adequacy of CEQA documents' analysis. Id., Schwarzenegger 2007. This opinion, then, suggests that establishing any quantitative emissions threshold – let alone a zero threshold – is not required by CEQA.

Offsets to Zero Emissions are Not Appropriate

Similarly, some commentors suggest that the Project should commit to full mitigation of all Project-related GHG emissions by purchasing offsets for all GHG emissions that remain after implementation of the identified mitigation measures. As explained above, a zero emissions threshold is not required by CEQA or supported by any expert agencies. Thus, purchasing offsets for all remaining GHG emissions is not required or encouraged.

Although the Project will not purchase offsets to reduce its GHG emissions to a zero emission threshold, as discussed above, the Project applicant will implement a VERA, which will include
offsite emission reduction projects. Implementation of these projects will likely result in substantial co-benefits in GHG emission reductions. For example, as discussed in the Draft EIR, the biodiesel research facility that may be implemented pursuant to the VERA would result in approximately 18,286 tons per year of CO₂ emission reductions attributable to the proposed Project. Thus, offsite emission reductions are likely to assist the Project in achieving its 29% below BAU emission reduction commitment. As the Resources Agency ISOR explains, this approach is consistent with Section 15126.4 of the Proposed Guidelines. Resources Agency ISOR at 38.

However, care should be taken to make sure any offsite mitigation is real and verifiable. As the Resources Agency ISOR recognizes, "substantial evidence in the record must demonstrate that any mitigation program or measure is reasonably likely to result in actual emissions reductions. As a practical matter, where a mitigation program or measure is consistent with protocols adopted or approved by an agency with regulatory authority to develop such a program, a lead agency will more easily be able to demonstrate that off-site mitigation will actually result in emissions reductions…. Where a mitigation proposal cannot be verified with an existing protocol, a greater evidentiary showing may be required." Resources Agency ISOR at 39. Although some protocols exist for generating offset credits, many other offsets are being developed under unverified and unenforceable methodology. See generally, U.S. Government Accountability Office 2009. Substantial uncertainties can arise if projects depend upon offsets for their emission reductions. Thus, any offsite mitigation that the Project relies upon for GHG mitigation must be carefully considered to ensure it is real and verifiable.

The Draft EIR Does Not Improperly Defer Mitigation

Some commentors express concern that the GHG mitigation approach represents unlawful deferral of mitigation. As explained below, the mitigation approach for climate change impacts is wholly consistent with CEQA. The questions raised focus on Mitigation Measure 4.3-18. As discussed above, this mitigation measure ensures that the proposed Project will mitigate GHG emissions by at least 29% below BAU. Mitigation Measure 4.3-18 requires a focused GHG report to be prepared prior to the issuance of building permits for residential or commercial construction that shows the Project is reducing emissions by at least 29% relative to BAU, as calculated in the Draft EIR. This report must be submitted for approval to the SJVAPCD.

Mitigation Measure 4.3-18 describes examples of how the 29% below business as usual performance standard can be met. The suggested approaches include regulatory or applicant-initiated actions regarding cleaner fuel, vehicle-efficiency, cleaner energy, more energy-efficient building materials and standards used on-site, and energy-conservation improvements to existing homes. Draft EIR at 4.3-181. The Draft EIR also explains that substantial GHG emission reductions are anticipated to occur as a result of implementation of Mitigation Measures 4.3-6 through 4.3-14. See, e.g., Draft EIR at 4.3-182. In addition, emission reduction projects implemented pursuant to the applicant chosen VERA are also expected to yield significant GHG emissions reduction co-benefits. See id. All of these actions will assist in meeting the overall mitigation commitment of 29% below BAU. Consistent with the definition of BAU, this mitigation measure properly recognizes that regulations enacted that effect the GHG emissions generated by the proposed Project should be factored into the results of the GHG report and, accordingly, reflected in the emissions-reduction requirements imposed on the Project. As explained below, this mitigation approach is entirely consistent with the requirements of CEQA.
The Mitigation Approach Complies with CEQA

CEQA permits the formulation of details of mitigation measures at a future date as long as the mitigation measure includes specified performance standards and identifies measures that may be implemented to achieve the performance standard. See CEQA Guidelines § 15126.4(a)(1)(B); see also Sacramento Old City Ass'n v. City Council (1991) 229 Cal.App.3d 1011, 1029 (upholding mitigation menu of parking and traffic measures to be selected from in order to achieve specified performance standard, and stating that an "agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated") (internal citations omitted); Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1276 (no improper deferral of mitigation when developer required to consult with agencies regarding appropriate mitigation and adopt specified avoidances measures prior to grading); National Park and Conservation Ass’n v. County of Riverside (1991) 71 Cal.App.4th 1341, 1366 (appropriate to defer determination of whether to install fences for desert tortoise mitigation until further study conducted on migration patterns).

CEQA recognizes that cases arise where uncertainties make defining specific mitigation parameters difficult; in these cases, developing mitigation measure details may not be appropriate. See, e.g., National Parks, 71 Cal.App.4th at 1366 (recognizing the appropriateness of deferring mitigation when uncertainties exist regarding the pros and cons of the mitigation measure); San Joaquin Raptor, 149 Cal.App.4th at 671 (contrasting the mitigation measure at issue with appropriate mitigation approaches that offer justification for deferring details of a mitigation plan).

In contrast, CEQA does not permit deferral of mitigation to a future date when the EIR does not include performance standards and a description of the nature of the actions to be incorporated into the mitigation plan. See, e.g., San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 669-71 (improper deferral of mitigation for species where no specific performance standard identified, no potential measures to be implemented described, and no specific justification for deferral offered); Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777, 794 (improper deferral of noise mitigation when no specified criteria or alternative included).

As explained above, consistent with the requirements of CEQA, Mitigation Measure 4.3-18 identifies a clear performance standard – emissions reductions resulting in 29% BAU emissions levels – and lists specific examples of how to achieve this performance standard. The selection of the 29% below business as usual performance standard is based on compliance with AB 32's emission reduction requirements, and ensures the Project will achieve its fair share of mitigation to achieve AB 32's mandates. The Draft EIR also explains that other mitigation measures will assist in achieving this performance standard. However, Mitigation Measure 4.3-18 recognizes that the precise emission reductions that will result from various project design features and mitigation measures is not yet quantifiable. Thus, Mitigation Measure 4.3-18 adopts an appropriate performance standard, and provides specific examples of how it can be achieved, but has not attempted to quantify the reductions expected from implementation of these different measures. This mitigation approach satisfies all requirements of CEQA.
Conclusion

As demonstrated above, the Draft EIR thoroughly analyzes the Project's GHG emissions and compares the Project's impacts against a threshold of significance of consistency with AB 32's emission reduction requirements. Although the Draft EIR incorporates mitigation that ensures the Project's compliance with this standard, consistent with Section 15091 of the CEQA Guidelines, the Draft EIR concludes the Project's climate change impacts will be significant and unavoidable, due to required action by third parties. This approach is consistent with CEQA and includes adoption of all required mitigation measures.

Issues related to climate change are also discussed in detail in Responses to Comment Letters 24 (Center for Race, Poverty and the Environment), 25 (TriCounty Watchdogs), 35 (Quercus Group), and 46a and 46b (Lloyd Wiens).

7.5.3 California Condor and Tehachapi Uplands Habitat Conservation Plan Process

The Project’s potential impacts to the California condor are analyzed in the Draft EIR, the Tejon Mountain Village Biological Resources Technical Report (BTR) attached as Appendix E-1 to the Draft EIR, and the Tejon Ranch California Condor Conservation and Management Plan (CCP) included as Appendix I to the BTR.

The Draft EIR analysis of the condor includes a background discussion (pages 4.4-60 through 4.4-61) and a discussion of methods used to assess condor occurrence within the Project site (pages 4.4-74 through 4.4-75). Potential impacts are considered in the Draft EIR at pages 4.4-86 through 4.4-98 and include an analysis of condor foraging and habitat use and ongoing threats, including lead poisoning, microtrash and habituation. Short-term (construction-related) impacts are considered in the Draft EIR at pages 4.4-92 through 4.4-94. Long-term (operations-related) impacts are considered in the Draft EIR at pages 4.4-94 through 4.4-98 and include an analysis of potential state take, federal take, impacts to designated condor critical habitat, and foraging and habitat impacts. The Draft EIR identifies several mitigation measures to avoid or reduce potential impacts to the condor, including Mitigation Measures 4.4-1, 4.4-3, 4.4-4, 4.4-5, 4.4-7, 4.4-26 and 4.4-36 (Draft EIR at 4.4-94 through 4.4-96 and 4.4-118 through 4.4-139). Potential regional connectivity and linkage impacts are considered in Section 4.4-4 of the Draft EIR. Potential cumulative impacts are considered in Section 4.4-5 and summarized in Table 4.4-163 of the Draft EIR. The cumulative analysis includes a discussion of potential impacts to condor distribution and movement, loss of foraging habitat, and indirect impacts. The impact assessment is summarized at pages 4.4-515 through 4.4-520 of the Draft EIR.

The Tejon Mountain Village Biological Resources Technical Report (BTR) analysis of the condor includes a background discussion of survey areas and methods (pages 3.4-51 through 3.4-53). Table 4.4-1 discusses special-status wildlife species detected or presumed to occur on the site, including the condor. Section 4.4.6.1 discusses federally listed, state-listed, and/or fully protected birds within the Project area. BTR Table 4.4-4 summarizes the results of onsite surveys for these avian species, including the condor. Table 4.4-7 summarizes the results of special-status raptor surveys, including the condor. BTR Section 3.5 discusses the methods used to analyze potential wildlife linkage and movement impacts. BTR Section 4.5 discusses the results of the wildlife linkage and movement analysis, including potential impacts to the condor.
The Tejon Ranch California Condor Conservation and Management Plan (CCP) was prepared by Peter H. Bloom and reviewed by Dr. Robert W. Risebrough and Lloyd Kiff. Mr. Bloom has worked in Southern California since 1970 on gathering natal dispersal and natural history information on a wide variety of raptors and was a member of the Condor Recovery Program from 1982 to 1987. The California Condor Recovery Program is administered by the U. S. Fish and Wildlife Service (FWS) to manage the captive breeding and release program and other Service activities related to the recovery and conservation of the condor. Mr. Bloom has conducted extensive field observations and has direct knowledge of condor movements and feeding events within Tejon Ranch and the Project area. He personally trapped and marked all of the original wild free-flying California condors or brought them directly into captivity. While working for the National Audubon Society, Mr. Bloom also conducted extensive ethological observations in the field on behalf of the California Department of Fish and Game (CDFG) and the FWS, including the California Condor Recovery Team. The California Condor Recovery Team consists of independent and government scientists with acknowledged expertise on California condors and addresses ongoing issues and challenges to the recovery of the species. Dr. Risebrough has been a member of the California Condor Recovery Team since 1990 and is the director of the Bodega Bay Institute of Pollution Ecology. He is an acknowledged expert on contaminant ecology with particular expertise on mortality and diseases of condors caused by ingestion of or exposure to various contaminants. Mr. Kiff is a former leader of the California Condor Recovery Team and has over 30 years of experience working with the conservation of the California condor on behalf of the CDFG and the FWS.

Pages 1-22 of the CCP discuss the assessment approach used in the analysis and provide historical and other background information regarding the condor. Condor occurrence within Tejon Ranch and the Project area are discussed in the CCP at pages 22-36. Potential direct and indirect impacts to the condor, including state and federal take, microtrash ingestion, human disturbance, loss of foraging habitat, transmission line collisions, habituation, and wildfires, are analyzed in the CCP at pages 36-44. Potential impacts to designated condor critical habitat are analyzed in the CCP at pages 44-65. The CCP identifies measures to avoid, minimize, and mitigate potential condor impacts at pages 65-71. The CCP identifies measures that will contribute to the conservation and recovery of the condor at pages 71-76. The CCP analysis conclusions are summarized at pages 76-78.

As discussed in Section 3.5-4 of the Draft EIR, the Tejon Ranch Company (TRC) has applied to the FWS for an Incidental Take Permit (ITP) for 27 species pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act. The ITP would include up to four nonlethal relocations by the FWS of condors that may become unacceptably habituated to human activity as a result of activities covered by the ITP, including the proposed Project. In February 2009 the FWS distributed the proposed ITP, the Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP), and a Draft Environmental Impact Statement (DEIS) for public review. The public review period closed on July 7, 2009. If approved, the ITP and TUMSHCP would cover approximately 141,886 acres of the 270,365-acre Tejon Ranch, including the proposed Project.

The natural history, occurrence, current status, regulatory history and population trends of the condor are discussed in Sections 4.1-4.1.3 of the TUMSHCP. Ongoing threats to and the reasons for the decline of the California condor are discussed in Section 4.1.4 of the TUMSHCP. Condor occurrence within the lands that would be covered by the ITP and the TUMSHCP is discussed in TUMSHCP Section 4.1.5. Potential effects to the condor related to activities that could occur within the TUMSHCP area, including commercial and residential development, are discussed in Section 4.2.1 of the TUMSHCP. Potential take of the condor is discussed in Section 4.2.2 of the
TUMSHCP. Potential effects to designated condor critical habitat are discussed in Section 4.2.3 of the TUMSHCP. Section 4.2.4 discusses anticipated effects related to condor take under the TUMSHCP and ITP. The Tejon Ranch California Condor Conservation and Management Plan (CCP) appended to the BTR and included in the Draft EIR is also included as Appendix C of the TUMSHCP.

The DEIS discusses the environmental resources that would be affected by the proposed ITP and TUMSHCP in Section 3, including biological resources in general (Section 3.1), wildlife linkages and corridors (Section 3.1.5), and the California condor (Section 3.1.6). Potential environmental consequences to these resources are considered in Section 4 of the DEIS. Potential effects on biological resources, including the condor, are considered in Section 4.1 for each of the alternatives analyzed in the DEIS.

The ITP and TUMSHCP are implementation proposed by the applicant and Tejon Ranch to address the requirements for mitigation of impacts on biological resources from the proposed project. If USFW does not approve the TUMSHCP as proposed by Tejon Ranch, then other provisions as required by the wildlife agencies, including most of the same mitigation as proposed in the TUMSHCP, will be imposed on the Project before any construction activities can occur. The final determination of appropriate mitigation for impacts on the California Condor and other protected species is within the authority of jurisdiction of the USFW and CDFG.

Issues related to the California condor are also discussed in depth in Responses to Comment Letter 26 (Defenders of Wildlife).
7.6 Responses to Comments

The comment letters are addressed in their entirety in this section. Each comment contained in the letter has been assigned a reference code letter. The responses to the referenced comments follow each letter. To the extent that each response begins by summarizing the topic of the comment, this summary is for informational purposes only. The reader is directed to the comment letters to review the complete text of each comment.
Federal Agencies
Comment Letter 1

Craig M. Murphy
Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

Dear Mr. Murphy:

Thank you for the opportunity to comment on the Tejon Mountain Village Specific and Community Plan EIR. Since the proposed project does not occur on National Forest System lands, our comments relate directly to the Pacific Crest National Scenic Trail (PCT) which was designated in the National Trails System Act (P.L. 90-543 of 1968). I am the designated lead administrator for the PCT by the Secretary of Agriculture. Since the selected route falls within the project area of Tejon Mountain Village, there are specific issues to be considered:

1. The Environmental Impact Report (EIR) references the Ranchwide Agreement requirement for Tejon Ranch to dedicate an easement for relocation of the Pacific Crest Trail (page 4.14-1 and 4.14-15) for approximately 35 miles. While recent discussions regarding the easement between the United States Forest Service, Tejon Ranch and the Tejon Ranch Conservancy have been encouraging, the easement is not currently in place. This access is key for providing recreation opportunities for hiker and equestrians as the Tejon Mountain Village and Centennial projects develop, as well as, for providing outstanding local and regional trail opportunities. Since the federal government is not a party to the Ranchwide agreement, your assistance in securing this public recreation opportunity is essential.

I have enclosed the Federal Register Notice (with maps) posted by the Department of Agriculture Forest Service on January 30, 1973 (Volume 38, Number 19) which identified the selected route of the PCT. You will note that the currently proposed Tejon Ranch PCT relocation is within that trail corridor and generally follows the route selected in 1973. The proposed relocation is critical for improving public safety – by providing water sources and travel by trail instead of on roads (currently following the LA Aqueduct). It also meets the previous intent of Congress by moving the trail to the selected route and into the mountains along the “Crest” above the Mojave Desert.

2. Note that references to the Pacific Crest National Scenic Trail should be complete in title. The “Pacific Crest Trail” does not appropriately note significance of this congressionally designated National Scenic Trail. When properly cited it can be referenced as “PCT” or “PCNST.” The PCT is described as a “nonmotorized” trail on page 4.14-1. Travel management of the PCT allows for foot and horse travel but closes the trail to motorized and mechanized travel (bicycles).
3. The PCT is described in the Regional Setting section under the Angeles National Forest (4.14-2) for 176 miles. This National Scenic Trail actually extends from Mexico to Canada for 2,650 miles through federal, state, and private lands in California, Oregon, and Washington. It would be more accurate to describe it in a separate paragraph, perhaps adjacent to the “Local Trails” section on page 4.14-7.

I look forward to the completion of the easement for the PCT with Tejon Ranch and working with Kern County on providing continued opportunities for hikers and equestrians. If you have additional questions about the trail, please contact Beth Boyst, USFS Pacific Crest Trail Program Manager at (707) 562-8881 or bboyst@fs.fed.us.

Sincerely,

[Signature]

RANDY MOORE
Regional Forester

Enclosure

cc: Supervisor Don Maben
DEPARTMENT OF AGRICULTURE
Forest Service
PACIFIC CREST NATIONAL SCENIC TRAIL
Route Selection

In accordance with section 7(a) of the National Trail System Act of October 2, 1968 (26 Stat. 191; 16 U.S.C. 1271-1279), notice is hereby given of selection of the official route of the Pacific Crest National Scenic Trail.

The Forest Service in selecting the route for the Trail gave full consideration to minimizing the adverse effects of the Trail on the affected landowners and their operations. The advice and assistance of the States, local governments, private organizations, and landowners and land-use groups were considered. The selected route has been approved by the Advisory Council for the Pacific Crest National Scenic Trail.

To facilitate more precise identification of the selected route by affected governmental agencies, landowners, and other interested parties, detailed maps are on file and available for public inspection at the Headquarters of the Pacific Crest National Scenic Trail.

The selected route for the Pacific Crest National Scenic Trail, including a listing of private lands crossed, is described in narrative form and depicted on maps as follows:

WASHINGTON

Beginning at Monument No. 78 on the Canadian border, the Pacific Crest Trail follows the Cascade Crest in a southerly direction through the Pendleton Wilderness, Ochoco National Forest, traversing Castle Pass, Horsepasture Pass, Wallowa Mountains, Randolph, North Cascades National Park, and Baker Country.

The Trail then crosses the Klickitat River and follows the Bear Creek Drainage, then north across the South Cascades to the headwaters of the Skagit River and finally descends into the Skagit Valley.

1-K Cont.
Comment Letter 1, Cont.

At the south end of the Bridge of the Gods, the community of Casa Loma, elevation 100 feet. This is the least elevation on the Pacific Crest Trail, about five miles north of the California-Nevada border and the Mexican border. The southern end of Casa Loma is on the east side of U.S. Highway 395, and Casa Loma lies on the west side of U.S. Highway 395. The Trail descends gently into Lone Peak, crosses Forest Road N12 and enters the Tanaya Wilderness. The Trail enters the Tahquitz Wilderness between Lone Peak and Diamond Peak, and continues north along the eastern edge of the Tanaya Wilderness and the Potomac River, which flows north from Lone Peak to the eastern end of the Hualapai Mountains. The Trail crosses the Pacific Crest Trail above Lone Peak and enters the Tanaya Wilderness. The Trail then makes a gradual descent into Lone Peak, crosses Forest Road N12 and enters the Tanaya Wilderness. 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the Diamond Peak Wilderness boundary between the pass and the south of the lake, the Trail passes to the north of Mount McLaughlin (elevation 9,591), traversing the northeastern slope of Diamond Peak. It intersects the Mt. McLaughlin Trail No. 818 at Pray Lake. Continuing southwest along the southeastern slopes for 3 miles, it leaves the Winnemem National Forest and enters the Rogue River National Forest at Right Highway No. 160. Here it enters the north edge of a rugged lava flow. After crossing the lava field, a distance of 4 miles, it traverses the headwaters of Little West Fork and the Dead Indian Highway No. 26 and bears south to Old Baldy Mountain. It descends the east slope of the Klamath River National Forest and enters a Bureau of Land Management administered area.

1-K Cont.
Highway 3 and swings southerly along Scott Mountain, passes for a short way through the Klamath National Forest then back into the head of Little Trinity River where it swings easterly through Roberts Meadow and across Red Bluff. The route turns northwesterly across Gilford Creek to Cement Hill and crosses High Camp Creek. It then turns southwesterly to Newton and continues through the saddle between Red Bluff and Perrineville Lake. The route crosses over White Ridge and proceeds southwest to Humboldt Lake. It then crosses over Fossil Lake and concussion near the town of Scottville.

The Pacific Crest Trail then ascends southwesterly at Current Spring drainage and into Pine Ridge, descends and crosses Squaw Valley Creek by a foot bridge and continues east to Trush Creek. It then descends down the ridge to Pine Hill and continues south of Chico Station and across Eight Mile Creek. It then turns southwesterly to New Lake and then descends to cross Rock Creek. It descends gradually across the road and continues to the junction with the former route of the Pacific Crest Trail and continues along the old Pacific Crest Trail.

From this point the trail enters the Lassen National Forest and continues east through Lassen Pass and descends to the Hat Creek River. It then turns southerly along the river, passes Hat Creek Hot Spring and again crosses the Pacific Crest Trail near Standley Lake. It then crosses over the ridge to Hot Springs and continues south of the Scott River. It then continues southerly along the ridge to the town of Scottville and then crosses over the ridge to Chico Station and continues south of Chico Station and across Eight Mile Creek. It then turns southwesterly to New Lake and then descends to cross Rock Creek. It descends gradually across the road and continues to the junction with the former route of the Pacific Crest Trail and continues along the old Pacific Crest Trail.

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The Pacific Crest Trail then ascends southwesterly along the ridge to the town of Scottville and then crosses over Eight Mile Creek. It then turns southerly along the ridge to the town of Scottville and then crosses over Eight Mile Creek. It then turns southerly along the ridge to the town of Scottville and then crosses over Eight Mile Creek. It then turns southerly along the ridge to the town of Scottville and then crosses over Eight Mile Creek. It then turns southerly along the ridge to the town of Scottville and then crosses over Eight Mile Creek. It then turns southerly along the ridge to the town of Scottville and then crosses over Eight Mile Creek.
Comment Letter 1, Cont.

notices

1-K Cont.
Comment Letter 1, Cont.

Nacra Canyon, turns west up Tule Canyon for about 5 miles and leaves the Bureau of Land Management Unit. It enters Amo Sor-ge Desert State Park, traverses the east side of Comba Peak on Bockanort Mountain and then enters the Cleveland National Forest.

The Trail continues, passing through the head of San Luis Rey River, down Agua Caliente Creek and leaves the Cleveland National Forest and goes on to meet State Highway 76 at the bridge west of Warner Springs. It crosses State Highway 76 again near the Warner Cobbs School. Continuing, it crosses San Victorio Creek and Buena Vista Creek, south of Volcano Mountain, passes Cal-foor Springs, Ferguson Flat and enters a Bu-reaux of Land Management Unit as it de-scends into Bartlett Canyon, where it crosses State Highway 76. As it passes through this unit the Trail stays on the ridge west of Charlot Canyon. Then it follows several miles the path in and out of Amo Sorge Desert State Park east of Cleveland Reservoir and finally traverses the ridge in the State Park east of Cleveland Reservoir and leaves the park and then at the head of Cottonwood Canyon and enters the Cleveland National Forest.

The Trail turns east to Garcon Peak and follows the desert rim in a southeasterly di-rection on the eastern edge of the Laguna Recreation Area passing by Monument Peak, Stephenson Peak, Desert View picnic area and Breezehaven, crosses Le Poste Creek, goes by Lower Morita Meadow, through Troy Flat, follows Fred Canyon to Kitchen Creek before crossing under Interstate 8 at Kitchen Creek. The Trail then parallels Cuyamaca Creek for about 2 miles, passes between Morita Village and Morita Reservoir, leaving the Cleveland National Forest at Hammer Canyon and enters a Bureau of Land Management Unit.

It goes through the Hauer Mountains crossing State Highway 94 west of Bell Valley and ends at the Mexican border about 1½ miles east of Yuma, approximately one-half mile east of Monument 284 on the Mexican border.

The Pacific Crest Trail crosses private property in the following described areas in the State of California.
Comment Letter 1, Cont.
Comment Letter 1, Cont.
Comment Letter 1. United States Department of Agriculture (July 10, 2009)

Response 1 A.

Thank you for your comment. The Pacific Southwest Region of the U.S. Forest Service (USFS) states that the proposed Project does not occur on National Forest System lands and, therefore, the USFS's comments relate only to the Pacific Crest National Scenic Trail (PCT), which was designated in the National Trails System Act. Commentor states that he is the designated lead administrator for the PCT by the Secretary of Agriculture. Commentor notes that the selected PCT route falls within the proposed Project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 1 B.

The Commentor states that the Draft EIR references on page 4.14-1 and 4.14-5 the requirement of Tejon Ranch Company under the Conservation and Land Use Agreement (Ranchwide Agreement) to dedicate an easement for the relocation of the PCT for approximately 35 miles. The Ranchwide Agreement as discussed is a private agreement between Tejon Ranch Company, the Tejon Ranch Conservancy and several environmental groups. This comment accurately notes that Draft EIR Section 4.15, RECREATION addresses the Ranchwide Agreement's provisions regarding dedication of an easement for the relocation of the PCT.

Response 1 C.

Commentor notes that negotiations are currently underway to donate an easement to the United States Forest Service for the creation of a new PCT segment within an area of Tejon Ranch that is well outside of the Project site, and that while such negotiations are encouraging, the trail access easement is not yet in place. Commentor further notes that the PCT trail easement is key to provide recreational opportunities for Project residents for hiking and equestrian use, and will also provide for local and regional trail easement. Commentor goes on to note that because the federal government was not a party to the Ranchwide Agreement, the County's assistance in securing the transfer of this easement from Tejon Ranch to PCT is "essential."

In response to the request for the County to assist the USDA in securing the required 35 mile easement for the PCT, the Lead Agency notes that the Ranchwide Agreement as discussed on page 3-41 of the Draft EIR, is a private agreement between Tejon Ranch Company, the Tejon Ranch Conservancy and several environmental groups. And although the Lead Agency agrees that relocation of the PCT is critical to improving public safety for trail users, a mitigation measure requiring this easement be dedicated in conjunction with the proposed Project was not included in the Draft EIR because neither the existing PCT trail segment nor the proposed PCT trail segment is within the Project boundaries nor is there evidence in the record indicating that the PCT will be directly or indirectly impacted as a result of the Project. The United States Supreme Court has held that requiring the dedication of a public trail easement as a condition of a development project approval to create a public benefit that has no nexus to the burdens created by the project is an unconstitutional deprivation of property rights absent just compensation. Nollan v. California Coastal Commission, 483 U.S. 825 (1987).

Additionally, substantial portions of the trail segment are within the lands that are subject to the pending Tehachapi Uplands Multiple Species Habitat Conservation Plan, and a portion of the trail is on the top of
a ridgeline with high California condor value. The actual siting and management of this trail segment, including the management of microtrash and other human utilization impacts, will also require environmental review and approval from the US Fish and Wildlife Service, and potentially other agencies, and these environmental and permitting processes have neither commenced nor been completed. An agreement to dedicate a trail easement or other form of access for PCT would remain conditional until these environmental review and permitting processes have been complete.

This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 1 D.

Commentor notes that he has enclosed the Federal Register Notice (with maps) posted by the Department of Agriculture, Forest Service on January 30, 1973 that identifies the selected route of the PCT. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment, and attached Federal Register Notice, are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 1 E.

Commentor states that the relocation of the PCT trail segment to Tejon Ranch is critical for improving public safety, by providing water sources and travel by trail instead of on roads that currently follow the California aqueduct. This public safety issue is reported by commentor as an existing condition of a trail segment that is dozens of miles away from the Project site, which will not be impacted by the Project. This comment is noted and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 1 F.

Commentor notes that the proposed relocation of the PCT meets the previous intent of Congress by moving the trail to the selected route and into the mountains along the "Crest" about the Mojave Desert. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 1 G.

Commentor states that references to the PCT should be complete in title; "Pacific Crest Trail" does not adequately connote the significance of the congressionally-designated "National Scenic Trail." According to commentor, when properly cited, the trail can be referenced as "PCT" or "PCNST."

The Draft EIR includes some references to the "Pacific Crest National Scenic Trail" (see Draft EIR page 3.42) and other references to the "Pacific Crest Trail." References to the "Pacific Crest Trail" have been revised in response to this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.14-1

"The Ranchwide Agreement requires that the Tejon Ranch Company dedicate an easement to relocate approximately 35 miles of the Pacific Crest National Scenic Trail, a federally maintained nonmotorized trail.
trail, from the desert floor in the Antelope Valley to the Tehachapi Mountain highlands located south and east of the project site."

Page 4.14-2

"Approximately 557 miles of hiking, mountain biking, and equestrian trails, including 73 miles of designated National Recreation Trails and 176 miles of the Pacific Crest National Scenic Trail (out of the total 2,650 mile trail). U.S. Department of Agriculture, Forest Service, 2005a."

Page 4.14-15

"As discussed above in Section 4.14.2, "Environmental Setting," under the Ranchwide Agreement, the Tejon Ranch Company will record an easement that would facilitate the relocation of approximately 35 miles of the Pacific Crest National Scenic Trail to upland portions of the ranch located east of the project site. Project development areas will be buffered from the relocated trail by the region’s steep topography. There will be no direct connectivity between the project’s trail system and the Pacific Crest National Scenic Trail. Project related activities would not impact the trail’s visual or other recreational resources."

Response 1 H.

The Commentor further notes that the PCT is described as a "nonmotorized" trail on page 4.14-1 of the Draft EIR, and states that travel management of the PCT allows for foot and horse travel, but does not permit motorized or mechanized (e.g., bicycle) travel. This comment accurately notes that Section 4.15, RECREATION describes the PCT as "nonmotorized." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 1 I.

Commentor notes that the PCT is described in Section 4.14, RECREATION of the Draft EIR in the "Regional Setting" section under the Angeles National Forest, as extending for 176 miles within the Angeles National Forest. According to the comment provided, the PCT extends for 2,650 miles through federal, state and private lands in California, Oregon and Washington, and suggests that including a separate paragraph describing the PCT would be more accurate.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The section of the Draft EIR cited by commentor is intended to provide information about the environmental setting in the vicinity of the Project area, and does not describe recreational resources that cover as large of a geographic area as suggested by commentor. The Lead Agency agrees that the PCT extends outside of the Angeles National Forest. In order to reflect the concerns raised in this comment, the reference to the PCT has been revised as follows. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.14-2

"Approximately 557 miles of hiking, mountain biking, and equestrian trails, including 73 miles of designated National Recreation Trails and 176 miles of the Pacific Crest National Scenic Trail (out of the total 2,650 mile trail). U.S. Department of Agriculture, Forest Service, 2005a."
Response 1 J.

Commentor states that he looks forward to completing the easement for the PCT with Tejon Ranch Company and working with Kern County to provide additional recreational opportunities for hikers and equestrians. Commentor provides contact information for the County if it has any additional questions about the PCT. Thank you for your comment. It has been included in the record.

Response 1 K.

Thank you for providing the Federal Register Notice (with maps) posted by the Department of Agriculture, Forest Service on January 30, 1973 (Volume 38, Number 19) which identified the selected route for the PCT. This information has been included in the public record and will be provided to the Planning Commission and Board of Supervisors for consideration.
Comment Letter 2

Kern County Planning Department
Attn: Mr. Craig Murphy
2700 M Street, Suite 100
Bakersfield, CA 93301-2370

Dear Mr. Murphy:

I am writing to you in my capacity as the Department of Defense (DoD) Regional Environmental Coordinator. This letter and attached comments provide the combined responses of the Army, Air Force, Navy and Marine Corps to the Draft Environmental Impact Report (DEIR) for Tejon Mountain Village Project. The proposed project is 26,417 acres in size to include up to 3,450 residences, 160,000 square feet of commercial development, various hotel, spa, and resort facilities and 350,000 square feet of facilities that include golf courses and two helipads.

The DoD appreciates the opportunity to review the DEIR. As provided in our response to the notice of preparation (November 21, 2005), the Navy identified two low level Military Training Routes (MTRs) that pass over the project site and are vital to accomplishing our national security mission. Navy aviation squadrons currently fly and will continue to fly tactical jet aircraft through this area in preparation for combat to ensure mission essential training and readiness. These routes connect the R-2508 complex with sea operating ranges, Chocolate Mountains Aerial Gunnery Range, and interior ranges in Nevada, Arizona and other inland areas.

The Navy’s letter (see enclosure 2) also offered to assist in providing detailed information to ensure adequate analysis of our critical training routes. The Navy is therefore disappointed that we were not contacted by the project proponent. As a result, the Navy and the other Services have serious concerns both with the accuracy and adequacy of the analysis and lack of proposed mitigation measures for Military Training Routes (MTRs) that pass over the project site.

The DoD has long appreciated and valued the excellent collaborative relationship that exists between the County of
Kern and the Military. This relationship ensures both compatible development while protecting and sustaining the military’s mission. Kern County’s leadership in the R-2508 Joint Land Use Study (JLUS), Red-Yellow-Green Ordinance, and Military Element of the Kern General Plan is evidence of Kern County’s strong commitment to sustaining the military’s mission.

To continue our collaborative efforts, the DoD recommends that a comprehensive approach be established to address current and on-going military operations over the project site. Specifically, the Tejon Ranch project area would require site specific review for compatibility and appropriate mitigation measures to include avigation easements, measures to sound attenuate all residential lots and dwellings, deed restrictions, and disclosure to ensure sustainment of the military mission. Site specific review would occur prior to the recordation of a subdivision map and prior to the issuance of grading and/or building permits.

Attached please find the DoD’s detailed comments on the DEIR (see enclosure 1). We request that both additional details and mitigation measures be provided in either a re-circulated DEIR or in the Final EIR. We welcome the opportunity to assist you in this effort. My point of contact for this project is Ms. Sheila Donovan who is available to meet with you or answer any questions you may have. She can be reached at (619) 532-1253 and by e-mail, sheila.donovan@navy.mil.

Sincerely,

L. R. HERING
Rear Admiral, U.S. Navy

Enclosures. 1. DoD REC 9 Comments on Tejon Mountain Village DEIR (May 2009)
   2. Department of Navy Response to NOP, 21 Nov 2005
## DOD REC 9 Comments on

Tejon Mountain Village DEIR (May 2009)

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<td>2.</td>
<td>4.7-42-43-44</td>
<td>Hazards</td>
<td>The section on military training routes includes any number of inaccurate statements specifically in regard to FAA policy and the statement that routes could be altered to avoid the site. Strongly recommend that the Navy’s POC be contacted and this section be rewritten per discussion and information provided by the Navy.</td>
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<td>3.</td>
<td>4.7-11</td>
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<td>The Following statement is inaccurate and misleading, &quot;Approximately 44% of all land in California and 58% of land in Southern California underlie existing MTRs. These routes are frequently located over populated areas without conflict.&quot; This section confuses discussion of low-altitude MTRs with MTRs in general and should be rewritten to clarify the Navy discourages residential development under low-altitude MTRs in its efforts to promote compatible development and military mission sustainment. Strongly recommend that the Navy’s POC be contacted and this section be rewritten per discussion and information provided by the Navy.</td>
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<td>4.</td>
<td>4.7-11 and 4.7-12</td>
<td>Para 6 and para 1</td>
<td>VR -1257 and VR 1262 flight data for 1999 – 2003 is inaccurate but more importantly it has no relevancy in regards to future training tempo. Actual usage is down for all MTR’s nation-wide due to real time deployments and operational commitments due to the Global War on Terrorism (the need to train currently reduced due to actual operations). Request the addition of the following in this section; “The Air Force Flight Test Center at Edwards Air Force Base occasionally schedules and uses the High Altitude Supersonic Corridor which transits over the project area. The corridor is outside of special uses airspace therefore requires coordination and approval of the FAA. The corridors' occasional use typically involves supersonic flight at altitude of 30,000’ MSL.” For additional information concerning the location an use of the High Altitude Supersonic Corridor contact Scott Kiernan, Encroachment Prevention Manager, AFFTC/XPT, Edwards AFB, CA, 661 277-3792.</td>
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Enclosure (1)
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<td>5</td>
<td>4.7-42-</td>
<td>43-44</td>
<td>The Navy is concerned with the inaccurate statements in this section, specifically in regard to FAA policy and the statement that routes could be altered to avoid the site. Strongly recommend that the Navy’s POC be contacted and this section be rewritten per discussion and information provided by the Navy.</td>
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<td>4.9</td>
<td>Land Use</td>
<td>Section</td>
<td>2-Q</td>
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<td>7</td>
<td>4.9-62</td>
<td></td>
<td>The section regarding Circulation Element, Chapter 2.5.2, Airport Land Use Compatibility Plan (ALUCP) includes discussion of Goal 1 Plan for land uses that addresses compatibility with public airport and military bases and mitigate encroachment issues. The Navy concurs and supports Kern County’s efforts to address compatibility, however, in this section the analysis does not adequately address the incompatibility of residential development with the Navy's low-altitude MTRs. The DEIR states that “The project would not conflict with any military over-flights.” The Navy disagrees as noise will be an impact to future residents of the proposed project. This section should address how this project meets the goals and policies of the Circulation Element. This section also acknowledges the R-2508 Joint Land Use Study (JLUS) and its goal of obtaining land use compatibility with military operations however, the text states that the project is not located within the JLUS R-2508. Although the proposed project may not technically be located with the JLUS R-2508, the goal of Kern County to ensure compatible development with the military is clear. The Navy recommends that this section address why the project is not compatible with the goals and policies of Kern County.</td>
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<td>The Section regarding Noise Element, Chapter 3.2, Noise Sensitive Areas includes discussion of Goal 1 Ensure that residents of Kern County are protected from Excessive noise and that moderate levels of noise are maintained. The discussion in this section only addresses road noise. It does not address noise associated with the Navy’s MTRs. The Navy requests that this section address how the proposed project is consistent with the Noise Element given the low-altitude MTRs that pass over the project site.</td>
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<tr>
<td>9</td>
<td>4.11</td>
<td>Noise</td>
<td>Section</td>
<td>2-V</td>
</tr>
<tr>
<td>FG</td>
<td>4.11-1</td>
<td></td>
<td>Noise terminology section does not address single-event noise associated with the existing MTR's or the High Altitude Supersonic Corridor that pass over the project site. This section concentrates its analysis along I-5 corridor and not existing noise associated with Navy MTRs that pass over the project site. The Navy recommends that this section be revised to discuss single-event noise to set the stage for evaluation of its impact on the proposed project to include all proposed uses.</td>
<td>2-W</td>
</tr>
</tbody>
</table>

Enclosure (1)
<table>
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<tr>
<th>#</th>
<th>Page</th>
<th>Reference</th>
<th>Comment</th>
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<tbody>
<tr>
<td>11</td>
<td>4.11-4</td>
<td>2-C2</td>
<td>Existing noise section should include discussion of single-event noise to include level of noise from low-altitude military aircraft that pass through the site as well as occasional sonic boom as produced as a result of the use of the High Altitude Supersonic Corridor. This information can be provided by the Navy via the project POC or from Scott Kiernan, Enforcement Prevention Manager, AF/TCXPT, Edwards AFB, CA, 661-277-3792 concerning supersonic over flights.</td>
</tr>
</tbody>
</table>
| 12 | 4.11-14 | 2-D2 | The last sentence states the types of existing noise, however, it does not include noise from military aircraft passing over the proposed project site. The following sentence should be revised to include noise from military aircraft "Following construction, project residences and other new and existing noise sensitive land uses would be exposed to noise from traffic on local arterial roads, highways, and Interstate 5."
Additional information on single-event noise from military aircraft should be included in this section. |
| 13 | 4.11-15 | 2-E2 | Although there are no set thresholds for single-event noise, this section should discuss this issue to set a foundation for evaluation of impacts to the proposed project. Annoyance, sleep disturbance are known impacts associated with single-event noise from military aircraft. |
| 14 | 4.11-16 | 2-F2 | Operation noise section does not include any discussion of impacts from single-event noise associated with military aircraft. This section should discuss in detail the types of impacts to all appropriate proposed project elements (e.g. residential, hotels) |
| 15 | 4.11-25 | 2-G2 | The military over flight section contains a number of inaccuracies as well as underestimating the impact of single-event noise from low-altitude military aircraft passing over the site. Analysis should not be based on comparison to dB but on known impacts associated with single-event noise from low altitude military aircraft such as annoyance and sleep disturbance. The Navy has detailed information that can be provided to assist in the analysis. Given the level of information provided, the Navy recommends reassessment of the level of significance on proposed land uses. |
| 16 | 4.11-26 | 2-H2 | Mitigation measure 4.1-6 identifies disclosure as the only noise mitigation measure for military over flights. The Navy position is that the current noise evaluation in the DEIR significantly understates the impact of single-event noise on proposed uses. The navy requests that a comprehensive approach such as a military operations area be identified for the Tejon Ranch area that would require site specific review for this project as well as other proposed projects under MTRA to included required mitigation measures. Specific to this project, the Navy requests that the County consider requiring aviation easements, deed restrictions, disclosure, and noise complaint process to ensure sustainability of the military mission. |

Enclosure (1)
<table>
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<th>Page</th>
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<th>Comment</th>
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<tbody>
<tr>
<td>17</td>
<td>4.11-29</td>
<td></td>
<td>The cumulative section does not address combined noise impact from the proposed location of helipads and operations with aircraft noise associated with MTRs. Recommend this section discuss this issue and identify appropriate mitigation measures.</td>
<td>2-Q2</td>
</tr>
<tr>
<td>18</td>
<td>4.15</td>
<td>Transportation</td>
<td></td>
<td>2-R2</td>
</tr>
<tr>
<td>19</td>
<td>4.15-2</td>
<td></td>
<td>The Environmental setting section does not discuss the existing MTRs that pass over the proposed site. Discussion is needed in order to establish a baseline to evaluate the impacts of proposed projects uses (i.e. helipads).</td>
<td>2-S2</td>
</tr>
<tr>
<td>20</td>
<td>4.15-10</td>
<td></td>
<td>The regulatory setting for MTR's should be addressed under Federal laws.</td>
<td>2-T2</td>
</tr>
<tr>
<td>21</td>
<td>4.15-15</td>
<td></td>
<td>Impacts and Mitigation measure section should address MTR overflights and compatibility with all elements of the proposed project.</td>
<td>2-U2</td>
</tr>
<tr>
<td>22</td>
<td>4.15-57</td>
<td></td>
<td>Helo pilots must follow FAA rules which require them to remain clear of MTRs when in use. This section should reiterate federal requirements consistent with revisions to section 4.7. The Navy requests that it be consulted on the proposed location of helipads and proposed routes for this project and other proposed projects in the Tejon Ranch area.</td>
<td>2-V2</td>
</tr>
<tr>
<td>23</td>
<td>5.0</td>
<td>Consequences of Project Implementation</td>
<td></td>
<td>2-W2</td>
</tr>
<tr>
<td>24</td>
<td>5-1</td>
<td></td>
<td>This section should be re-evaluated and rewritten based on revisions to the document as requested in the above comments.</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>6.0</td>
<td>Alternatives</td>
<td>The analysis of Alternatives A-E to the proposed project does not provide sufficient information for the Navy to review at the same level of detail as the proposed project. The Navy recommends that maps showing MTR's that pass over proposed alternatives be provided for our review.</td>
<td></td>
</tr>
</tbody>
</table>

Enclosure (1)
Thank you for the opportunity to respond to the Notice of Preparation of a draft Environmental Impact Report for Tejon Mountain Village Specific Plan, an approximate 38,253-acre project site including nature reserve with approximately 5,800 acres developed with a mix of residential, commercial, and recreational uses located approximately 40 miles south of Bakersfield and 60 miles north of Los Angeles.

The Navy uses airspace over this area for Military Training Routes (MTRs). Specifically, Visual Route VR-1262, managed by Commander, Strike Fighter Wing Pacific (Naval Air Station (NAS) Lemoore) starts offshore the central California coast, passes over the project site, turns north and ends in the Owens Valley. This route is 10 nautical miles (NM) wide with low altitude operations to 200 feet above ground level (AGL) and overlaps most of the proposed development site. A second route, VR-1257, also managed by Commander, Strike Fighter Wing Pacific starts offshore the central California coast, passes over the project site, turns south and provides access to Naval Air Facility El Centro. This route is 4 NM wide with low altitude operations to 200 feet AGL and also overlaps the majority of the proposed project site.

Navy aviation squadrons currently fly tactical jet aircraft through this area in preparation for combat and will continue to transit this area in support of recurring and ongoing mission essential aircrew training and readiness. The Department of the Navy views the development of lands as important national priorities and supports development of these resources in conjunction with federal, state, and local agencies while simultaneously avoiding adverse encroachment impacts to the military’s aviation mission and flight safety. The most common areas of potential hazard are as follows: substances released in the air which would impair the visibility or otherwise interfere with the operations of the aircraft, to include but not limited to, smoke, dust, and smoke; electromagnetic transmission that might affect aircraft instrumentation or capability; light emissions, direct (laser) or indirect (reflective) which might interfere with pilot vision; and lastly, the growing of certain types of vegetation or other land uses which would unnecessarily attract birds or waterfowl. Also, due to noise and concern for public safety, the Navy would strongly discourage residential development under MTRs.

We would welcome the opportunity to assist you in identifying potential hazards to aircraft safety and adverse impacts to the training value of the MTRs as you move forward with your planning process.

Enclosure (2)
My point of contact for this project is Ms. Sheila Donovan, Community Plans and Liaison, Navy Region Southwest (619) 532-1253.

CAPT Ronald P. Townsend
Program Director, Air Operations
Navy, Installations, Region Southwest
From: Kiernan, Scott E Civ USAF AFMC AFPTC/XPT [mailto:Scott.Kiernan@edwards.af.mil]
Sent: Monday, August 03, 2009 10:27 AM
To: Lorelei@co.kern.ca.us
Subject: FW: Tejon Mountain Village - Letter from Navy Southwest

Importance: High

Good Morning Lorelei,
I have included a depiction of the supersonic corridor to include visual ground reference and description. If you need something more, please let me know.

In regards to the recommendation passed from the REC to have an Avigation Easement imposed over the TMV projects in reference to the supersonic corridor; After a second review, I would prefer to downgrade the recommendation to a "Notification." This will ensure informed consent without physical impositions.

Please don't hesitate to contact me with any questions or concerns,

V/R
Scott Kiernan
Encroachment Prevention Manager
AFPTC/XPT
Edwards AFB, CA
O: 661 277-3792
C: 661 810-6662
Comment Letter 2. Department of the Navy (July 13, 2009)

Response 2 A.

Thank you for your comment. Commentor's description of his role at the Department of the Navy is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 B.

Commentor refers to comments filed in response to the Notice of Preparation (NOP) for the Project (November 2005), and identifies two low level Military Training Routes (MTRs) that pass over the Project site, including Navy tactical jet aircraft that travel from the ocean to interior mountain ranges in California and Nevada. Commentor says that such flights are and will continue to occur, and are vital to accomplishing the Navy's national security mission. This comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 C.

Commentor refers to its offer to assist in its NOP letter, and expresses disappointment that it was not contacted by the Project proponent. Commentor notes that as a result of this lack of contact, the Navy and other Services have serious concerns about the adequacy and accuracy of the analysis, and lack of mitigation measures for the MTRs that pass over the Project site.

With respect to communications between the commentor and the Project proponent, both County and Project proponent representatives have had numerous contacts with the appropriate staff responsible for MTR issues, and have also met and corresponded on several occasions with Department of Defense (DoD) representatives, including the commentor's predecessor and his staff. A letter from Tejon Ranch President and CEO Robert Stine, summarizing this history of correspondence, and DoD's conclusions regarding the compatibility of the Project with the MTRs, is attached as new Appendix H-10.

With respect to the need for mitigation measures for the MTRs, the Draft EIR acknowledges the existence of the two MTRs and states that "[c]hanges and restrictions on MTRs are also possible (consistent with national security considerations) and could alter the current MTR patterns to avoid the project vicinity." Draft EIR at 4.7-42. Commentor disagrees that MTRs can be relocated, and requests that this "section be rewritten per discussion and information provided by the Navy." However, DoD provides no authority for the position that the use of these MTR routes cannot be altered to avoid low level training flights over residential development, and there is authority and precedent for altering flight operations and relocating such routes when incompatible with development.

As a preliminary matter, the Federal Aviation Administration (FAA), and not the DoD, has primary oversight over airspace. FAA regulations provide that, unless otherwise authorized by the FAA Administrator, no person may operate an aircraft below 10,000 feet mean sea level at an indicated airspeed of more than 250 knots. 14 C.F.R. § 91.70(a).

A 1978 letter of authorization from the FAA Administrator grants DoD an exception to do so under certain conditions, including mutually-developed MTRs. FAA 1978. As correctly stated in the Draft EIR, the MTR program is a joint venture between the FAA and the DoD. Draft EIR at 4.7-11. FAA 2009. DoD, therefore, does not retain sole authority to determine whether an MTR needs to be altered.
The FAA sets forth a specific process for developing and/or modifying MTRs in its *Special Operations Handbook*. FAA 1998. (Although a new version of this Handbook – 7610.4M – was issued in 2007, the revised version is a sensitive unclassified document and is not publicly available. Thus, the 1998 version of the Special Operations Handbook is cited here.) The Navy separately sets forth its policy and criteria for MTRs in an official Navy Instruction. Department of Navy, Chief of Naval Operations 2001. Of particular note, the Navy's Instruction sets forth procedures to be used to either establish or modify MTRs. The Instruction presents highlights of the route processing procedures, and directs the Navy to the FAA Special Military Operations Handbook for additional details. Among other things, the Instruction specifically requires periodic review of the total area of the route, compliance with the Navy's requirements for environmental documentation, and it also refers to other guidance concerning MTRs and noise sensitive areas (wilderness areas). Similarly, the Air Force must meet the requirements of the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA (40 C.F.R. pt. 1500-1508), and 32 C.F.R. pt. 989.

Through the process described in the Instruction, DoD does have the authority to alter the use of MTRs, and the Draft EIR was accurate. Eliminating low level training flights over residential development in the MTRs can be implemented administratively by DoD without amending the MTR. An MTR amendment process (and required NEPA procedures) can also be undertaken if the MTR itself is being relocated. Relocation or modification of an MTR is not required by the Project, or the Draft EIR, and does not appear to be warranted under these circumstances although this decision is DoD's to make. If DoD elects to implement an MTR amendment process, DoD may consider steps to ensure that the MTRs continue to be appropriate in light of changed circumstances, including the Project. DoD may also consider and adopt mitigation strategies such as sharing of existing routes.

The proposed project is completely within private lands. The authority of the County to impose CEQA mitigation does not extend beyond the powers granted under law. Further the suggestion that the use of MTRs cannot be altered raises issues regarding the possibility it would be an uncompensated taking of private property. In *United States v. Causby* (1946) 328 U.S. 256, the Supreme Court held that "a direct and immediate interference with the enjoyment and use of the land" from military overflights must be compensated as a taking. *Id.* at 266-67. In situations where flights over private land are "so low and so frequent as to be a direct and immediate interference with the enjoyment and use of the land," DoD must compensate landowners for the harm caused by that avigation use. *Id.* at 266. In considering whether a taking has occurred, the courts have been particularly likely to find significant interference with private rights where, as here, planes fly below 500 feet. See e.g., *Causby*, 328 U.S. at 263-64; *Giggs v. Allegheny County* (1962) 369 U.S. 84, 91 (where noise from aircraft landing and taking off made a home located off the end of the runway unbearable for residential use, there was a ‘taking’ of an air easement over the property); *Davis v. United States*, 164 Ct.Cl. 612, 1964 WL 8679 at *1 (Ct. Cl. 1964) (collecting cases); *Lacey v. United States*, 219 Ct Cl 551, 595 F.2d 614, 618 (Ct. Cl. 1979) (overflights by various types of military craft at an altitude of 450 feet above the ground level interfered unreasonably with the use and enjoyment of the property leading to the conclusion that the government took an avigation easement in the airspace above the ranch); *Adaman Mut. Water Co. v United States*, 143 Ct Cl 921, 181 F Supp 658 (Ct. Cl 1958) (low level flights by Air Force jets substantially diminished property values). As discussed in numerous court cases, at that level all conversation must cease, radio and television reception is disrupted, windows shake, dishes rattle, sleep is disrupted and anxiety ensues – all seriously impairing the value of the property for residential and other purposes. *Highland Park, Inc. v United States*, 142 Ct Cl 269, 161 F Supp 597 (Ct. Cl. 1958); *Davis v. United States*, 164 Ct.Cl. 612 (Ct. Cl. 1964). *Adaman Mut. Water Co.*, 143 Ct.CI. 921, 181 F Supp 658, 660, 664 (Ct. Cl. 1958) (overflights resulted in noise averaging 105 decibels, and approximated the situation within a very noisy factory, rendering property undesirable for normal residential use and for normal farming operations); *Lacey*, 595 F.2d at 618 ("noise from such aircraft made it impossible or difficult to use the telephone in the residence, made conversation
on the property impossible or difficult, greatly interfered with television reception in the residence, and interfered substantially with ranch operations”); Griggs, 369 U.S. at 87 (plaintiff was unable to sleep even with ear plugs and sleeping pills; they would frequently be awakened by the flight and the noise of the planes; the windows of their home would frequently rattle and at times plaster fell down from the walls and ceilings; their health was affected and impaired, and they sometimes were compelled to sleep elsewhere).

Given the unreasonableness of such disturbance, landowners are entitled to recover compensation for taking of the avigation easement and for resulting damage to the remainder of their property. See e.g. Branning v. United States (1981) 228 Ct Cl. 240 (holding that repeated overflights by military aircraft at a height of 600 feet constituted a taking of an easement as noise level is not measured solely in terms of altitude); Argent v. United States (Ct. Cl. 1997) 124 F.3d 1277, 1282-84 (failure of Navy aircraft to fly directly over landowners' property did not preclude landowners from stating inverse condemnation claim). Moreover, the fact that a flight may be above 500 feet or directly over a particular residence does not preclude finding of a taking. See e.g. Branning v. United States (1981) 228 Ct Cl. 240 (holding that repeated overflights by military aircraft at a height of 600 feet constituted a taking of an easement as noise level is not measured solely in terms of altitude); Argent v. United States (Ct. Cl. 1997) 124 F.3d 1277, 1282-84 (failure of Navy aircraft to fly directly over landowners' property did not preclude landowners from stating inverse condemnation claim). Disturbance from noise alone is enough to result in a taking. See e.g. Aaron v. Los Angeles (1974) 40 Cal.App.3d 471 (noise from jet aircraft landing and taking off at the airport is a severe disturbance to the enjoyment and use of residential property in the area).

DoD's letter notes that continued utilization of all areas of the Project area with low-level training flights will result in substantial interference with the use and enjoyment of all land within the Project area. To avoid the impact of DoD's operations, it is suggested that such land ought to be encumbered by an aviation easement along with specific site review, mitigation measures, "deed restrictions and disclosure to ensure sustainment of the military mission." The use of avigation easements for MTRs has not been adopted as a policy by Kern County and is a distinct issue from the requirements for protection in the R-2508 Special Use Airspace Complex. The applicant has noted that when government seeks to impose a servitude upon private property by an aviation easement, the government must compensate for the difference in the value of the property before and after of the taking of the easement. Causby, 328 U.S. at 265; Adaman, 181 F Supp at 665 (awarding damages because due to military operations have lands have been rendered undesirable for normal residential use and for normal farming operations, and have suffered serious losses in value); Greater Westchester Homeowners' Assn. v. City of Los Angeles (1979) 26 Ca.3d 86, 100-103; Aaron, 40 Cal App3d at 483 ("property owner may be required to bear without compensation incidental damages which are suffered alike by the public in general, but he is entitled to compensation for special and peculiar damage inflicted upon him"). Further, DoD's suggestion that the route cannot be moved because other locations would be even more objectionable is actually further evidence of the government singling out certain persons to bear more than a fair share of a public undertaking. See e.g., Branning, 654 F.2d at 90 ("plaintiff was consciously singled out or selected to bear a burden which defendant also consciously elected not to impose on others, even others otherwise similarly situated. This is a classic statement of a taking situation."). The applicant notes that modification of the use of the MTR to avoid low-level training flights over residential areas would not create these legal issues.

Response 2 D.

Please refer to the Response to Comment 2-C.
Response 2 E.

Commentor notes a long and excellent relationship between the County and the Military, which ensures compatible development while protecting and sustaining the military's mission. Commentor also notes the County's leadership in the R-2508 Joint Land Use Study, Red-Yellow-Green Ordinance, and Military Element of the Kern General Plan. This comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 F.

Please refer to the Response to Comment 2-E.

Response 2 G.

Please refer to the Response to Comment 2-C.

Response 2 H.

Commentor also requests site-specific mitigation measures to include avigation easements, measures to sound attenuate all residential lots and dwellings, deed restrictions, and disclosure to ensure sustainment of the military mission. In further correspondence received from Edwards Air Force Base dated August 3, 2009, included at the end of Comment Letter 2, the request for an easement for the supersonic corridor has been withdrawn in favor of a requirement for disclosure to potential property owners.

The frequency and affects of overflight are variable and occur at unknown intervals. Improved insulation and other energy conservation standards will further reduce noise impacts, as described in the revisions to Draft EIR page 4.11-25, as shown in Section 7.2, REVISIONS TO THE EIR. Due to the random occurrence, short term and infrequency of the events, exposure of people to noise levels of this short duration, is considered to be less than significant. However, disclosure of potential noise impacts is appropriate for the potential buyers of property. The County agrees that Mitigation Measure 4.11-6 shall be expanded to read:

Mitigation Measure 4.11-6

The following statement shall be included as a note on the final map for all subdivisions, commercial site plans and included in the project Covenants, Conditions and Restrictions (CC&Rs):

“This property is presently located under military training routes and a supersonic corridor subject to use by the Department of Defense. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to the routes and corridor (for example: noise, vibration, low-level over flight or sonic booms). Tejon Ranch currently operates a helispot and the project includes construction and operation of two additional helipads and you may be exposed to noise impacts from helicopter overflights. Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

The Master Developer shall prepare a will ensure that this disclosure statement that will be is provided to, and acknowledged in writing by, each prospective property buyer within the project, stating that the project is located under a military training route and is subject to military aircraft overflights that may occur at high speed and low altitude. This disclosure statement shall also note that Tejon Ranch currently...
operates a helispot and the project includes construction of two additional helipads, and that residents may be exposed to noise impacts from helicopter overflights.

This amended mitigation measure assures both original disclosure of MTRs to buyers, as required in the original Mitigation Measure 4.11-6, but also ongoing disclosures through the CC&Rs to all subsequent and successor purchasers, to ensure the sustainment of these MTRs for military missions consistent with DOD and FAA regulations. The comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

**Response 2 I.**

Please refer to the Response to Comment 2-C.

**Response 2 J.**

Commentor notes that more detailed comments are included as an attachment, requests that additional details and mitigation measures be included in a recirculated Draft EIR or Final EIR, and offers to communicate further on these issues. An additional mitigation measure has been included in the Final EIR as noted in Response 2-H. The remainder of the comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2 K.**

Please refer to the Response to Comment 2-J.

**Response 2 L.**

Please refer to the Response to Comment 2-C.

**Response 2 M.**

Commentor states that the Draft EIR is inaccurate and misleading in stating that "Approximately 44% of all land in California and 58% of land in southern California underlie existing MTRs," because this statement does not differentiate between low and high altitude MTRs. The Draft EIR does identify all MTRs, as stated, and does not disaggregate high and low altitude MTRs. Utilization patterns of MTRs are modified over time based on training needs and other factors, including land use compatibility. The comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2 N.**

Commentor states that the flight data for 1999-2003 is inaccurate but more importantly it has no relevancy in regards to future training tempo. The commentor also notes that actual training is down for all MTR nationwide. The commentor also requests the insertion of additional text regarding special use airspace above 30,000.

The Draft EIR used public sources regarding flight data, but the EIR preparers did not have access to confidential military data or the military's plans regarding future training tempos. The Department of Defense Regional Environmental Coordinator was contacted for more recent information regarding the use of MTRs. The Department of Defense Regional Environmental Coordinator- Navy Region Southwest noted flight activity information has not been retained from 1999 and there is no requirement to retain
such information. The DOD definition of a Military Training Route (IR) is “Routes used by the Department of Defense and associated Reserve and Air Guard units for the purpose of conducting low-altitude navigation and tactical training in both IFR and VFR Weather conditions below 10,000 feet Mean Sea Level at airspeeds in excess of 250 knots indicated airspeed.”

The following data, for annual flights, has been provided for the years noted:

<table>
<thead>
<tr>
<th>Route/Year</th>
<th>'03</th>
<th>'04</th>
<th>'05</th>
<th>'06</th>
<th>'07</th>
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<tbody>
<tr>
<td>1257</td>
<td>83</td>
<td>67</td>
<td>58</td>
<td>87</td>
<td>132</td>
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<tr>
<td>1262</td>
<td>36</td>
<td>70</td>
<td>24</td>
<td>58</td>
<td>26</td>
</tr>
</tbody>
</table>

With respect to future training plans, the commentor is also referred back to the Response to Comments 2-B et seq., regarding the military's need to coordinate its use of MTRs with underlying land uses to avoid inverse condemnation and takings liability to landowners for the uncompensated use of their lands. A map showing the MTRs in relation to the Project has been included below.

Counties depicted by green lines.
The high altitude supersonic corridor is an elongated area 15 nm wide, from 30,000' MSL to unlimited, with the centerline between Lake Mojave on the Colorado River to the east and Mt. Pinos to the west of Edwards AFB. The centerline is aligned on
the 064 degree-244 degree radial of the Edwards AFB Very High Frequency Omni-
Directional Range/Tactical Aid to Navigation (VORTAC).
The centerline coordinate to the west is 34°45.09’N 119°07.00’W (Mt Pinos)

Approximate NW limitation: N 34° 56’/W 119° 01’

Approximate SW limitation: N 34° 41’/W 118° 58’

The Draft EIR has been modified to include the text requested for inclusion by commentor, as follows. Please refer to Section 7.2, REVISIONS TO THE DRAFT EIR.

Page 4.7-10

The Air Force Flight Test Center at Edwards Air Force Base occasionally schedules and uses the High Altitude Supersonic Corridor which transits over the Project area. The corridor is outside the special uses airspace therefore requires coordination and approval of the FAA. The corridors' occasional use typically involves supersonic flight at altitude of 30,000' MEL.

Response 2 O.

Please refer to the Response to Comment 2-N.

Response 2 P.

Please refer to the Response to Comment 2-C.

Response 2 Q.

Commentor refers to the Kern County Circulation Element, Airport Land Use Compatibility Plan, for a discussion of Goal 1 relating to planning land uses that address compatibility with public airport and military bases and mitigation of encroachment issues. The commentor goes on to state that the Draft EIR does not adequately address the incompatibility of residential development with low-altitude military overflights. The Draft EIR does identify the compatibility of residential uses with military overflights, and notes that the utilization and location of MTRs can be modified to address incompatibility issues. This Final EIR has also included an amended Mitigation Measure 4.11-6 (see Response to Comment 2-H) regarding MTRs. Sound mitigation for low-altitude flights, including those at 500', is not feasible: at that elevation, vibration causes objects to fall and structures to shake, in addition to causing dangerous noise levels. Such low altitude flights are not compatible with residential development, and there is no feasible mitigation available. However, the developed portions of the Project will comprise only 5082 acres of the more than 170,000 acres of Tejon Ranch that are located within the Tehachapi Mountains. The exclusion of these acres from low-altitude military overflight capacity within the MTR is not considered a significant impact given the small proportion of the Ranch affected by development, and the permanent non-residential development constraints for the most of the remaining mountain acreage. Residential development is also not the only constraint that exists in this part of Tejon Ranch. Significant portions of these mountain areas, both on and off the Project site, also serve as habitat for the California condor and other protected species, and the military is obligated to comply with the federal Endangered Species Act and avoid the unauthorized take of California condors in managing its overflight programs.
Response 2 R.

Please refer to the Response to Comment 2-Q.

Response 2 S.

Please refer to the Response to Comment 2-Q.

Response 2 T.

Commentor also requests that the Land Use section of the EIR include a more detailed assessment of the goals and policies of the Circulation Element. With respect to military overflights, Table 4.9-5 includes an assessment of the Project's consistency with specified goals and policies of the Circulation Element. Goal 1 addresses compatibility with public airport and military bases, and the mitigation of encroachment impacts to such bases. Draft EIR, p. 4.9-62, the Table accurately concludes that there are no airport and military bases, or related encroachment issues; the Table further accurately concludes that the Project is not within an area affected by policies in the ALUCP. This comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 U.

Commentor observes that the Draft EIR Land Use Section correctly states that the Project site is not within the R-2508 Joint Land Use Study (JLUS) area, but requests that the Project be evaluated against the County's goal of maintaining land use compatibility with military uses of airspace. The County declines to extend the boundaries of JLUS R-2508 to the Project site, or to apply R-2508 to lands located outside the boundaries of that study area. Residential development of portions of Tejon Land, including portions of the Project site, is part of the existing Kern County General Plan. For reasons set forth in prior responses to this comment letter, the EIR preparers have evaluated this issue and determined that the military may make appropriate adjustments to its utilization of MTRs, and to the boundaries of the MTRs, to maintain land use compatibility with the Project. These comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 V.

Please refer to the Response to Comment 2-U.

Response 2 W.

Commentor requests that the Land Use section be revised to explain that the Project is not compatible with the goals and policies of Kern County. For reasons set forth in prior responses to this comment letter, the EIR preparers have evaluated this issue and determined that the military may make appropriate adjustments to its utilization of MTRs, and to the boundaries of the MTRs, to maintain land use compatibility with the Project. This comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 X.

Commentor refers to the Kern County noise element and requests that the Noise section of the Draft EIR (Section 4.11) be revised to address how the proposed Project is consistent with the Noise Element given the low-altitude MTRs. Commentor further notes that the noise analysis is focused on road noise rather than MTR noise. Road noise is a more constant noise source that is appropriately evaluated in the context...
of evaluating compliance with the County's dBA noise standards. Additionally, as addressed in the preceding responses to this letter, DoD does not have a property right, or any other right, to maintain low-altitude flights over Tejon Ranch. These comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 Y.

Please refer to the Response to Comment 2-X.

Response 2 Z.

Please refer to the Response to Comment 2-X.

Response 2 A2.

Commentor requests that the Noise section of the Draft EIR be modified to address single-event noise associated with the existing MTRs and the High Altitude Supersonic Corridor that passes over the Project site. The Draft EIR identifies the noise levels from single-event military overflights, both with respect to noise levels on the site and applicable noise standards. (Draft EIR at 4.11-25) As commentor notes, supersonic flights are approved on a case-by-case basis by FAA (Comment 2-O) above, and the requested text regarding supersonic corridors has been added to the EIR in response to that comment as noted below and in Section 7.2, REVISIONS. These comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Page 4.11-25

While single noise events could create a temporary nuisance for some individuals, overflight noise would not exceed county, state, or federal CNEL guidelines for residential and similar development. Approximately 44% of California, including many urban and suburban areas, is located underneath military training routes. In addition, insulation and other energy conservation improvements that are included in the Title 24 standards that were adopted in 2008 and will go into effect in January 2010, also increase, to some extent, noise insulation. Cal. Code Regs., tit. 24, part 6 (2008). Depending upon the building materials and designs used to comply with these standards, Title 24 would result in some reduction of noise impacts associated with military overflights. Overflight noise would not generate a significant impact, based on the noise evaluation methodology used in this EIR.


Please refer to the Response to Comment 2-A2.

Response 2 C2.

Please refer to the Response to Comment 2-A2.

Response 2 D2.

Please refer to the Response to Comment 2-A2.
Response 2 E2.

Commentor requests that military overflight noise be added to a sentence from the Draft EIR; this requested change has been made with the following revised EIR text:

Following construction, Project residences and other new and existing noise sensitive land uses would be exposed to noise from traffic on local arterial roads, highways, and Interstate 5, and from military overflights as described on page 4.11-25.)

Response 2 F2.

Please refer to the Response to Comment 2-E2.

Response 2 G2.

Please refer to the Response to Comment 2-A2.

Response 2 H2.

Please refer to the Response to Comment 2-A2.

Response 2 I2.

Please refer to the Response to Comment 2-A2.

Response 2 J2.

Commentor states that the discussion of noise from military overflights is inaccurate, and should be based not just on dB but on impacts such as annoyance and sleep disturbance. The commentor also requests that the level of significance relative to noise from military overflights be reassessed. The Draft EIR does identify very short-term (2 second) noise impacts from military overflights. (Draft EIR at 4.11-25). Sleep disturbance may occur during such an interval. The military can also adjust its training route utilization patterns to minimize or avoid the approximately 5,000 acres that will, at buildout, have residential units on the 270,000-acre Tejon Ranch. Military utilization of Tejon Ranch that interferes with sleep patterns or other reasonable land uses of Tejon Ranch, including Project residential uses, can and would be adjusted based on prior precedent. (See Response to Comment 2-C et al.) These comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 K2.

Please refer to the Response to Comment 2-J2.

Response 2 L2.

Please refer to the Response to Comment 2-J2.

Response 2 M2.

Commentor objects that further mitigation, beyond disclosure, is required to protect existing military overflight utilization of Tejon Ranch. Please see Response to Comment 2-H, which expands Mitigation
Measure 4.11-6 in response to this comment letter. Because the military has no property right or other form of legal agreement to continue utilization of these MTRs in a manner that interferes with proposed Project residential uses, because residential use of this portion of Tejon Ranch is part of the existing Kern County General Plan, and because such military utilization is not protected under the JLUS R-2508 or other County land use plans or policies, this existing use does not warrant protection or mitigation under CEQA. OPR 2008. These comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 N2.

Please refer to the Response to Comment 2-M2.

Response 2 O2.

Please refer to the Response to Comment 2-M2.

Response 2 P2.

Please refer to the Response to Comment 2-M2.

Response 2 Q2.

Commentor states that the Draft EIR does not address combined noise from helipads and helipad operations with aircraft noise associated with MTRs, and also requests further unspecified mitigation measures. Because, as noted by commentor, MTR utilization has actually declined in recent years and will continue to change over time (Comment 2-N), a quantitative cumulative impact assessment that combines helipad utilization with military overflights is not technically feasible. The cumulative impacts assessment is hereby modified to include the following text on page 4.11-29, inserted after the sentence that reads "Therefore, noise from multiple sources is not added or subtracted by ordinary arithmetic means."

For example, noise from intermittent helicopter operations or military overflights is of very short duration, and is evaluated separately rather than arithmetically added to the cumulative noise measurements and assessment of ambient noise levels.

Response 2 R2

Commentor requests several changes to the Transportation section, including a description of MTRs in the environmental setting, regulatory setting, impact evaluation, and mitigation measures. The purpose of this section of the Draft EIR is to "assess the Tejon Mountain Village Project's potential impacts on traffic and transportation." One component of this analysis is the assessment of whether the Project will change air traffic patterns, including either a change in traffic levels or a change in location that results in a substantial safety risks. This Transportation Section of the Draft EIR directs readers to Section 4.7, Hazards and Hazardous Materials, for a discussion of military overflights. (Draft EIR at 4.15-57) Safety impacts generally, including military overflights, are addressed in detail in this hazards Section of the Draft EIR, and does include setting information regarding MTRs. (Draft EIR at 4.7-10 to 4.7-12; Figure 4.7-3 (Military Training Routes); and impact and mitigation information (Draft EIR at 4-7.42-44). Further legal and regulatory background on MTRs is also included in the response to Comment 2-C et seq. CEQA does not require repetition of information in every topical section of the EIR. These comments are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.
Response 2 S2.

Please refer to the Response to Comment 2-R2.

Response 2 T2.

Please refer to the Response to Comment 2-R2.

Response 2 U2.

Commentor requests that the transportation section make clear that helicopter pilots must follow FAA rules, including rules relating to avoiding MTRs that are in use. Commentor further requests revisions consistent with its comments on the Draft EIR Hazards Section (see Responses to Comments 2-L to 2-P above), and that consultation be required with the Navy regarding helipad locations within the Project site. Helicopter pilots must follow all applicable legal requirements, including FAA rules relating to MTRs. There are no revisions to the Hazards Section that warrant revision to the Transportation Section, since duplication of information in different chapters of the EIR is not warranted and Responses to the Hazards Section comments are provided above in Response to Comments 2-L to 2-P.

Helipad locations will be limited to the established development envelope for the Project site, which are described in the Draft EIR. As required by department policy and provisions in the Airport Land Use Compatibility Plan, Mitigation Measure 4.11-7 has been amended to include notification of the Department of Defense Regional Environmental Coordinator for Navy Southwest when permits are submitted to Caltrans Department of Aeronautics or if the helipads are deemed to be exempt from a State permit. Locations of the helipads will be provided to Navy Southwest. Mitigation Measure 4.11-7 is amended as follows. Please refer to Section 7.2, REVISIONS TO THE DRAFT EIR.

Mitigation Measure 4.11-7. No residential uses shall be constructed within 200 feet of the proposed helipads. The location of the proposed helipads shall be noted on the final subdivision map, as well as the 200-foot contour. The Department of Defense Regional Environmental Coordinator for Navy Southwest shall be notified when permits are submitted to Caltrans Department of Aeronautics or if the helipads are deemed to be exempt from a State permit and the locations of the helipads.

This comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 V2.

Commentor requests that the Alternatives section of the Draft EIR be revised to show the same level of detail for the proposed Project as well as each alternative. CEQA does not require an equivalent level of detail in the Alternatives analysis, which is focused on identifying alternatives that are capable of reducing or eliminating significant Project impacts. This comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 W2.

Please refer to the Response to Comment 2-V2.
Response 2 X2.

Commentor includes a copy of its 2005 letter responding to the Notice of Preparation for the Project. This letter was previously received by the County, and is included in Appendix A of the Draft EIR, and was also identified, with a summary of issues raised, in Table 2-1 of subsection 2.4.1 of the Draft EIR, NOTICE OF PREPARATION/INITIAL STUDY. This letter is again noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 2 Y2.

Please refer to the Response to Comment 2-X2.

Response 2 Z2.

Please refer to the Response to Comment 2-X2.

Response 2 A3.

Please refer to the Response to Comment 2-X2.
State Agencies
June 3, 2009

Mr. Craig Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Subject: Tejon Mountain Village
Southwestern Kern County

Dear Mr. Murphy:

The Department of Conservation’s Division of Oil, Gas and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

The Division previously responded to this project on October 11, 2005 (see enclosed letter). There has been no change since that time.

Thank you for the opportunity to comment on this project. If you have any questions, please call Joyce Jaszczkowski at the Bakersfield district office: 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309; phone (661) 334-3653.

Sincerely,

Dan Tuttle
Senior Oil and Gas Engineer
Comment Letter 3, Cont.

3-D

Dear Mr. Castor:

Southwestern Kern County
Ventura Terminal Tract Map 6720
CPA # 216, ZCO # 1, Map 262 East
Sunset Mountain Village Specific Plan

Barbara R. Cox, A.M.P.C.
Kern County Planning Department

I am responding on behalf of the County of Kern Planning Department. The proposed project is located within the administrative boundaries of any oil or gas production area.

In accordance with the Division of Conservation, Division of Oil, Gas and Geothermal Resources Instruction No. 72, the Division of Conservation adopts the following comments for your consideration:

Regrettably, information on the requirements for and approval to perform remedial operations cannot be obtained from the Division of Conservation or the California Division of Oil, Gas and Geothermal Resources. The Division of Conservation requests that any information or concerns are directed to the California Division of Oil, Gas and Geothermal Resources. Regional Manager, Tejon Mountain Village Specific Plan, Suite 471, Bakersfield, CA 93306, Phone (661) 394-9663. Please feel free to contact me by email at dcmiller@kern.ca.gov or 661-340-8433.

Thank you for the opportunity to comment on this project. If you have any questions, please contact David Miller, County of Kern Planning Department, Suite 471, Bakersfield, CA 93306, Phone (661) 394-9663. 

Sincerely,

David Miller
Senior Oil and Gas Engineer

October 11, 2005

Department of Conservation
Division of Oil, Gas, and Geothermal Resources

County of Kern

Chapter 7, Responses to Comments
Comment Letter 3. Department of Conservation, Division of Oil, Gas and Geothermal Resources (June 3, 2009)

Response 3 A.

Thank you for your comment. The Department of Conservation's Division of Oil, Gas, and Geothermal Resources' (DOGGR) comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 3 B.

The comment states that DOGGR previously commented on the Project on October 11, 2005. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. For further discussion of DOGGR's October 11, 2005 comment letter, please see Response to Comment 3-D.

Response 3 C.

The comment notes the contact information for DOGGR should any questions regarding the Project arise. DOGGR is included on all notification lists for the Project. Although DOGGR has no information or concerns regarding the proposed Project at this time, DOGGR's willingness to provide guidance on Project activities is greatly appreciated. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 3 D.

The comment is an attachment, which shows DOGGR's prior comment letter on the proposed Project, dated October 11, 2005. This letter was previously included in Appendix A of the Draft EIR. The letter states that DOGGR has reviewed the Project and that it is located beyond the administrative boundaries of any oil or gas field. Although there are no oil, gas, or injection wells of record within the project boundaries, DOGGR requests that if any abandoned or unrecorded wells be uncovered or damaged during excavation or grading, remedial plugging operations may be required and the Department of Conservation should be contacted. In response, Mitigation Measure 4.7-3 has been supplemented as follows to ensure that any abandoned or unrecorded wells that discovered during excavation or grading are properly plugged in compliance with the Department of Conservation requirements. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Mitigation Measure 4.7-3: Development located immediately adjacent to the existing easements for underground crude oil pipelines and gas pipelines at Tejon Mountain Village will require coordination between the contractors and the easement holders for crude oil and gas pipelines to address any safety issues and to monitor construction to ensure that pipelines are avoided during construction activities. If any abandoned or unrecorded wells are discovered during excavation or grading activities, the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) will be contacted immediately, and all excavation and/or grading activities will cease until such time as remedial plugging operations can be performed in accordance with DOGGR requirements.
Response 3 E.

The comment includes a map showing Project boundaries, which demonstrates that no oil, gas, or injection wells of record are located within Project boundaries. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 4a

JUN 17 2009

Craig M. Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, California 93301

SB 2181 review of 15-KR-21

Dear Mr. Murphy:

The Division of Operations and Maintenance (O&M) has reviewed the proposed Community Plan for Tejon Mountain Village near the Community of Lebec, Kern County. The proposed development encompasses California Aqueduct property at Beartrap Turnout, along with the Department of Water Resources (DWR) easements including: Beartrap Drainage Easement, Porter Tunnel, Tunnel 3, Beartrap Access Road, and Pastoria Creek Access Road, approximate mile marker 296 of the California Aqueduct.

DWR has reviewed the submitted materials with a requested response date of June 17, 2009, and has the following comments:

1. The location of this proposed development is adjacent to DWR's California Aqueduct Pipeline located near Milapost 298.80. The Developer should survey the area prior to any grading activities to ensure they do not encroach upon DWR lands.

2. Any construction or work within DWR right of way will require an Encroachment Permit (EP) from DWR. Information regarding forms and guidelines for submitting an application for EP can be found at DWR's web address:

http://www.doe.water.ca.gov/Services/Real_Estate/Encroach_ReIndex.cfm

3. The developer should be informed of the drainage patterns for this area and establish drainage plans for the development to accommodate existing and future surface-runoff.
Comment Letter 4a, Cont.

Mr. Craig Murphy
JUN 17 2003
Page 2

3. Please provide DWR with any updates to this project and send all future correspondence related to this project to:

Department of Water Resources
Division of Operations and Maintenance
Attn: Leroy Ellinghouse Chief,
Encroachment Section
1416 9th Street, Room 641-1
Sacramento, California 95814

If you have any questions, please contact Mike Anderson at (916) 653-6664 or Leroy Ellinghouse at (916) 653-7168.

Sincerely,

Leroy Ellinghouse, Chief
SWP Encroachments
Division of Operations and Maintenance
Comment Letter 4a. Department of Water Resources (June 17, 2009)

Response 4a A.

Thank you for your comment. The comment from the Department of Water Resources Division of Operations and Maintenance (DWR) states that the department has reviewed the proposed Specific and Community Plan for the Project. The comment notes that the Project encompasses California Aqueduct property at Beartrap Turnout, along with easements including Beartrap Drainage Easement, Porter Tunnel, Tunnel 3, Beartrap Access Road, Pastoria Creek Access Road, and approximate mile marker 298 of the California Aqueduct. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 4a B.

Commentor notes that the Project is adjacent to DWR's California Aqueduct Pipeline located near Milepost 298.60, and states that surveys should be performed to ensure that grading activities do not encroach on DWR lands.

In response to the submitted comment from DWR, Kern County notes that the proposed project at this time includes adoption of the proposed Tejon Mountain Village Specific Plan and Community Plan Special Planning District and associated general plan amendments, zone changes and exclusion from agricultural preserves. If the proposed Tejon Mountain Village Specific Plan and Community Plan Special Planning District is approved by the Board of Supervisors, the project proponent or designee will be required to submit for review and approval the processing of subsequent tentative tract maps, parcel maps and commercial site development plans prior to any substantive ground disturbing activities. Each of these subsequent submittal requirements related to subdivision of the property or the construction of commercial development will go through a formal public hearing process for review and comment. Such surveys identified by the commentor are standard level of practice requirements in preparing engineered drawings and will be performed in conjunction with future entitlement requests.

Response 4a C.

The comment states that an encroachment permit will be required prior to any construction that affects DWR Right of Way. Section 3.5.2 beginning on page 3-36 of the Draft EIR describes the Project backbone infrastructure that would be required. Some infrastructure improvements would require construction to take place within the DWR right of way. It is required by law that the project proponent obtain any and all right of way encroachment permits from DWR prior to the commencement of any work within the identified right of way areas. It is the intent of the project proponent to comply with State law, however for clarification purposes, a Mitigation Measure 4.16-3 has been supplemented to require the project proponent to obtain an encroachment permit from DWR prior to construction or other work within the DWR right of way. Please refer to Section 7.3, ERRATA TO THE PROJECT DRAFT EIR.

Mitigation Measure 4.16-3: Prior to approval of each tentative tract map or development of any commercial site, the applicant shall verify that sufficient water storage capacity exists or will be constructed as may be required to assure that at least a 3-day emergency period water consumption supply and a local fire suppression supply in compliance with applicable fire code provisions will be available onsite to serve all occupied structures. If any construction or other work is proposed within Department of Water Resources (DWR) right of way, an encroachment permit must be obtained from DWR prior to beginning work.
Response 4a D.

The comment states that any development in the vicinity of the California Aqueduct should accommodate existing and future surface runoff patterns.

Impacts associated with stormwater runoff and hydromodification are addressed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Implementation of Mitigation Measures 4.8-39 and 4.8-40 would ensure that the Project’s stormwater facilities (including those within DWR Right of Way) would accommodate anticipated runoff requirements. As noted in the Specific Plan Section 3.4.3 the drainage concept for Tejon Mountain Village is to maintain the existing drainage courses in their natural state wherever possible, preserving the natural appearance of the area. See Draft EIR, Sections 4.8, HYDROLOGY AND WATER QUALITY and 4.9, LAND USE AND PLANNING. In the post-construction condition the Project results in minor increases in impervious area within individual watersheds. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY. Eighty percent of the Project area will be preserved as natural open space. The California Aqueduct is underground as it passes through the Project area within the Pastoria Creek watershed. The vast majority of the Pastoria Creek watershed will be preserved in open space. As shown in Table 4.8-15 of the Draft EIR in the no-mitigation post-construction scenario there is only a 4% increase in runoff within the Pastoria Creek watershed. Mitigation Measures 4.8-25 through 4.8-28 would result in the construction and maintenance of water quality and flow duration control basins, bioretention areas and swales, and vegetated filter strips that have been designed to provide peak-flow runoff controls. Implementation of the water quality and runoff controls will accommodate existing and future runoff patterns resulting from Project implementation.

As noted in response 4a-B above, the proposed project at this time includes adoption of the proposed Tejon Mountain Village Specific Plan and Community Plan Special Planning District and associated general plan amendments, zone changes and exclusion from agricultural preserves. If the proposed Tejon Mountain Village Specific Plan and Community Plan Special Planning District is approved by the Board of Supervisors, the project proponent or designee will be required to submit for review and approval the processing of subsequent tentative tract maps, parcel maps and commercial site development plans prior to any substantive ground disturbing activities. Each of these subsequent submittal requirements related to subdivision of the property or the construction of commercial development will go through a formal public hearing process for review and comment.

Per the Kern County Land Division Ordinance 18.15.030 (J) (2), a flood hazard study/drainage plan shall be required for a tentative tract map and parcel map. This study shall be prepared by a registered civil engineer and shall address the following items:


b. Evaluation and mitigation of potential flood hazards as a result of occurrence of the base flood, as required by the Floodplain Management Ordinance.

c. Suitability of the site for the intended use where a special flood hazard condition exists. This includes the ability to receive off-site floodwaters and discharge them as nearly as possible in the manner and location which existed prior to development.

d. Effect of the proposed improvements on the carrying capacity of existing natural drainage channels and flood control facilities or other appurtenances.
e. Provisions for erosion control, including the prevention of sedimentation or other damage to property or improvements within or without the subdivision.

f. A drainage plan which proposes mitigation measures for any increase of the flow of runoff resulting from the proposed development shall be submitted when required by Kern County departments.

It is the intent of the project proponent to comply with all federal, state and local rules and regulations related to surface runoff. As such, Mitigation Measures 4.8-39 and 4.8-40 will be supplemented to read as follows. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Mitigation Measure 4.8-39: In conjunction with the submittal of any proposed tentative tract map, parcel map or commercial site development plan, the project proponent shall submit a flood hazard study/drainage plan as required by Section 18.15.030 (J) (2) of the Kern County Land division Ordinance. This flood hazard study/drainage plan shall be reviewed and approved by the Kern County Engineering and Survey Services Department prior to final approval of any subdivision map or approval of any commercial site development plan. In general, subject to final approval by the County, the Project shall implement Section 3.4.3 of the Tejon Mountain Village Specific Plan, including the following provisions: a) size road crossings of drainage ways, including culverts, boxes, arched culverts or bridges, to adequately pass flows while protecting the roadway, adjacent properties, and the hydrologic regime of the drainage course; b) design drainage crossings in accordance with the Kern County Drainage Development Standards and the Kern County Stormwater Ordinance (Chapter 14.26 of the Ordinance Code of Kern County) except as may be specifically modified in the Tejon Mountain Village Specific Plan subject to County approval or by the terms of any required regulatory permits for the project; c) culvert designs shall include inlet protection to protect the roadway embankment from erosion and outlets shall be provided with energy dissipation devices to reduce outlet flow velocities; d) culverts shall be sized to pass bulked flows, and impoundments of stormwater that would act to settle out the bedload of streams shall be avoided to the extent feasible or as may be required to maintain water quality conditions in certain receiving waters, such as Castac Lake; e) arch culverts shall be designed to span the natural stream and support earthen embankments for roadway crossings and shall incorporate energy dissipation techniques to reduce the potential for streambed erosion; f) bridge crossings shall incorporate energy dissipation techniques to reduce the potential for streambed erosion; g) road alignments shall be designed to cross drainages in as close to a perpendicular crossing alignment as possible; h) compacted fill, berming, or bank stabilization shall be utilized where grading occurs along drainage channels; and i) if the project cannot feasibly avoid an existing low-flow channel, a constructed channel or an underground conduit, or a combination of both techniques, shall be used to convey post-construction flows, and in steeper drainages, a constructed channel shall include a series of flatter stretches with rock drop structures to control water velocity.

Mitigation Measure 4.8-40: In conjunction with the submittal of any proposed tentative tract map, parcel map or commercial site development plan, the project proponent shall submit a flood hazard study/drainage plan as required by Section 18.15.030 (J) (2) of the Kern County Land division Ordinance. This flood hazard study/drainage plan shall be reviewed and approved by the Kern County Engineering and Survey Services Department prior to final approval of any subdivision map or approval of any commercial site development plan. In general, subject to final approval by the County, the Project shall implement Section B.3.b of the Tejon Mountain Village Specific Plan Master Design Guidelines, including the following provisions: a) site drainage shall be designed to maximize the use of natural drainage courses, to control erosion and sedimentation, and to avoid the potential for flooding; b) natural drainage courses shall be protected and existing drainage patterns maintained to the extent feasible; c) increased water flows off of the development sites due to increases in impervious surfaces shall be
managed to the greatest extent feasible on site by systems that retain water and encourage percolation; d) constructed ditches and channels shall be utilized only when necessary to ensure maximum control of drainage; e) natural appearing swales with stone and small boulders to simulate natural drainage patterns, and to slow the flow of water, shall be used wherever feasible in lieu of constructed ditches and channels; f) drainage design shall address any potential for erosion and consequent downstream water quality impacts and flooding resulting from development; g) erosion control and stream protection measures shall be required during construction; and h) surface drainage shall be managed to minimize erosion to the extent feasible by such means as the following: (i) slope gradients shall be minimized to slow water and achieve groundwater recharge and develop overland sheet drainage to avoid drainage concentration, (ii) water shall be intentionally directed to appropriate catchments, minimizing run-off velocity to diminish erosion and sediment, (iii) collection facilities shall be placed at the edges of paved areas and avoid extreme changes of grade related to collection facilities; (iv) collection facilities shall be constructed with sumps, traps, or other devices to trap pollutants from paved surfaces used by vehicles prior to releasing flows into natural watercourses; (v) erosion shall be controlled at the exits of drainpipes by the installation of energy dissipaters, boulders and stones, or other devices that blend in with the natural setting; (vi) water bars shall be installed on gravel or earthen pathways to minimize the potential for erosion and (vii) percolation shall be encouraged through the use of bioswales and permeable pavement materials.

Response 4a E.

Thank you for your comment. DWR is included on notification lists for the Project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 4b

JUN 18 2009

Craig M. Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, California 93301

Tejon Mountain Village by TMV, LLC, Kern County Planning Department, California Aqueduct, Approximate Milepost 298, Southern Field Division, Kern County,
SCH2005101018

Dear Mr. Murphy:

Thank you for the opportunity to review and comment on the Draft Environmental Impact report for Tejon Mountain Village near the community of Lebec. The notice illustrates the proposal by Kern County to change the existing zone classification to Special Planning District, which ensures any future development of the site is consistent with the Kern County General Plan. The proposed Special Plan indicates a total of 7,857 acres will be developed for mixed use including residential and commercial, with approximately 5,082 acres as undeveloped or ranchland. The proposed development encompasses Department of Water Resources (DWR) Right of Way (ROW) at Beartrap turnout, in addition to other DWR ROW including: Beartrap Drainage Easement, Porter Tunnel, Tunnel 3, Beartrap Access Road, and Pastorita Creek Access Road.

Any development in the vicinity of the California Aqueduct should accommodate existing and future surface-runoff patterns, both upslope and downslope of the DWR ROW. Development having impact to DWR ROW should address flows which are channeled through DWR’s cross drainage facilities in this area. The Developer should survey the area prior to any grading activities to ensure they do not encroach upon DWR lands.

The Tejon Mountain Village development will cross DWR’s ROW in multiple areas. Any development that affects DWR ROW will require an Encroachment Permit from DWR prior to the start of construction. Information on obtaining an encroachment permit from DWR can be viewed at:

http://www.doe.water.ca.gov/Services/Real_Estate/Encroach_Refindex.cfm

4b-A
4b-B
4b-C
4b-D
4b-E
Comment Letter 4b. Cont.

Mr. Craig M. Murphy  
JUN 18 2009
Page 2

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to this project should be sent to:

Leroy Ellinghouse, Chief  
SWP Encroachments Section  
Division of Operations and Maintenance  
Department of Water Resources  
1416 Ninth Street, Room 641-2  
Sacramento, California 95814

In addition, please continue to keep DWR informed of any future actions with respect to Tejon Mountain Village development.

If you have any questions, please contact Leroy Ellinghouse, Chief of the SWP Encroachments Section, at (916) 659-7168 or Mike Anderson at (916) 633-6664.

Sincerely,

[Signature]

David M. Samson, Chief  
State Water Project Operations Support Office  
Division of Operations and Maintenance

cc:  State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814
Comment Letter 4b. Department of Water Resources (June 18, 2009)

Response 4b A.

Thank you for your comment. The comment from the Department of Water Resources (DWR) notes that commentor has reviewed the Draft EIR, notes the proposed change to the zone classification for the Project which will result in consistency with the Kern County General Plan. Commentor, however, states that the Project would result in 7,867 acres of developed land, and approximately 5,082 acres of undeveloped or ranchland.

In response, the Project would result in development of a maximum of 5,082 acres, which would occur throughout a 7,867-acre development envelope. In other words, while the exact location of the 5,082 acres of development is not certain, it would occur within a 7,867-acre area. Thus, approximately 2,785 acres of the development envelope will remain undeveloped. This will result in a total of 21,335 acres of preserved open space, rather than 5,082 acres as stated in the comment. The comment states that the proposed development encompasses DWR Rights of Way at Beartrap Turnout, Beartrap Drainage Easement, Porter Tunnel, Tunnel 3, Beartrap Access Road, and Pastoria Creek Access Road. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 4b B.

The commentor states that any development in the vicinity of the California Aqueduct should accommodate existing and future surface runoff patterns. Impacts associated with stormwater runoff and hydromodification are addressed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Implementation of Mitigation Measures 4.8-39 and 4.8-40, as clarified in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR (please see Response to Comment 4a-D for further discussion) would ensure that the Project’s stormwater facilities (including those within DWR Right of Way) would accommodate anticipated runoff requirements. As noted in the Specific Plan Section 3.4.3, the drainage concept for Tejon Mountain Village is to maintain the existing drainage courses in their natural state wherever possible, preserving the natural appearance of the area. (Draft EIR, Sections 4.8, HYDROLOGY AND WATER QUALITY, and Section 4.9, LAND USE AND PLANNING.) In the post-construction condition the Project results in minor increases in impervious area within individual watersheds. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY. Eighty percent of the Project area will be preserved as natural open space. The California Aqueduct is underground as it passes through the Project area within the Pastoria Creek watershed. The vast majority of the Pastoria Creek watershed will be preserved in open space. As shown in Table 4.8-15 of the Draft EIR in the no-mitigation post-construction scenario there is only a 4% increase in runoff within the Pastoria Creek watershed. Mitigation Measures 4.8-25 through 4.8-28 would result in the construction and maintenance of water quality and FDC basins, bioretention areas and swales, and vegetated filter strips that have been designed to provide peak-flow runoff controls. Implementation of the water quality and runoff controls will accommodate existing and future runoff patterns resulting from Project implementation and future runoff patterns resulting from Project implementation.

Response 4b C.

The commentor states that the proposed Project should address flows through cross-drainage facilities in DWR Rights of Way. Impacts associated with stormwater runoff and hydromodification are addressed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Implementation of Mitigation
Measures 4.8-39 and 4.8-40, as clarified in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR (please see Response to Comment 4a-D for further discussion), would ensure that the Project’s stormwater facilities (including those within DWR Rights of Way) would accommodate anticipated runoff requirements. DWR’s aqueduct facilities are located in areas that will be predominately permanent open space with Project implementation. The commenter’s reference to DWR Rights of Way refers to the roads that currently provide access to the California Aqueduct and DWR-owned parcel. These roads are also part of the Project circulation and infrastructure system, and have been included in and protected by the Project stormwater management planning. The objective of the Specific Plan drainage concept (see Tejon Mountain Village Specific Plan and Community Plan Special Planning District, Section 3.4.3) is to protect the natural watercourses within the Project area in their natural state. See Draft EIR, Sections 4.8, HYDROLOGY AND WATER QUALITY, and 4.9, LAND USE AND PLANNING. This will be accomplished through implementation of low impact design principles and hydromodification controls as described in the Section 4.8 Mitigation Measures. Given the location of DWR facilities and Project hydrologic design considerations there will not be any noticeable increase in the runoff patterns within the watershed (Pastoria Creek) containing the DWR facilities. See Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY.

Response 4b D.

The commenter states that surveys should be performed to ensure that grading activities do not encroach on DWR lands. Such surveys are a standard level of practice in preparing engineered drawings and will be performed in conjunction with future entitlement requests if the current Project receives approval from the Board of Supervisors. Future entitlement request would include tentative tract and parcel maps that will be conditioned upon providing appropriate surveying prior to recordation. Access to and use of DWR lands is discussed further in the Response to Comment 4b-C above.

Response 4b E.

The commenter states that an encroachment permit will be required prior to any construction that affects DWR Right of Way. DWR is identified as a responsible agency in the EIR, and for CEQA purposes the EIR addresses the whole of the project for which any form of DWR permit, agreement or authorization may be required, including without limitation an encroachment permit as well as all other forms of agreements (e.g., Right of Way modifications, property acquisition/disposition exchange agreements, construction-related authorizations or approvals, etc.). Please see Response to Comment 4a-C.

Response 4b F.

Thank you for your comment. DWR is included on notification lists for the project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 4c

July 13, 2009

Mr. Craig M. Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, California 93301

Review of Draft Environmental Impact Report – Tejon Mountain Village SCH# 2005101018

Dear Mr. Murphy:

The Department of Water Resources (DWR) would like to thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for Tejon Mountain Village (TMV). Implementation of the Tejon Mountain Village Specific and Community Plan and the Tejon Mountain Village Special Plan (Project) allows for the development of up to 3,450 residential units ranging in size from 2,400 square feet to over 20 acres, up to 160,000 square feet of commercial development, up to 750 hotel/resort lodging units, two 18-hole golf courses, and additional support facilities.

The California Aqueduct traverses the project site in a north-south direction, mostly underground, for approximately 1.5 miles. DWR owns approximately a 35-acre parcel within the Project site along with the California Aqueduct easement, which includes the aqueduct turnout. As part of the infrastructure required to deliver water to the Project site, the turnout would be supplemented with valves, a meter, and associated piping by the Tejon-Castac Water District (TCWD).

The turnout is located in Beartrap Canyon which extends east of Castac Valley, rising from approximately 3,500 feet at the west end of the canyon to 4,800 feet at the eastern edge of the site. The canyon is characterized by steep north and south walls.

The DEIR states that the TMV Project includes certain limited infrastructure improvements outside the TMV Specific Plan Area. Included as one of the outside projects is a completed (subsurface) turnout and pipeline improvements at Beartrap Canyon and an access road to be constructed by TCWD.
Comment Letter 4c, Cont.

Mr. Craig M. Murphy
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Page 2

Comments to the DEIR:

Project Description
Page 3-38 of the DEIR:
Potable Water Supply and Distribution, the Beartrap Turnout is described as requiring refurbishment, enhancement, valve vault, meter vault, discharge structure, power for lighting, ventilation, and operation of meter and valve. A 30-inch diameter pipe would extend for approximately 2,420 linear feet from the turnout to transport water to the Project's proposed water treatment facilities. 4c-E

DWR Comment:
Due to the importance of water supply to the Project, DWR respectfully requests that the Beartrap Turnout access structure and pipeline improvement project be specifically and fully described within the Project Description and the DWR land parcel in each figure have the same level of detail as shown for the Project throughout the document. The applicant included two supporting documents, a "Wetland Mitigation Plan for Tejon-Castac Water District Turnout at Bear Trap Access Structure" and Appendix E, the "Turnout and Pipeline Improvement Project", but did not fully address the Beartrap Turnout in the Project Description or the Environmental Setting of the DEIR. Furthermore, these two supporting documents do not have the level of detail shown in the DEIR. 4c-F

By excluding the DWR-owned land, the Project Description and Environmental Setting are incomplete. 4c-G

Due to the importance of water supply to the Project, DWR respectfully requests a full description of the Beartrap Turnout and Pipeline Improvement Project in the Project description and incorporated into the environmental setting, including figures and tables. This detailed environmental documentation for the Beartrap turnout will ultimately be required to obtain DWR's authorization for the turnout. 4c-H

Biological Resources
Page 4.4-76:
The location of these on/offsite infrastructure improvements are depicted on Figure 4.4-13. 4c-I

DWR Comment:
Figure 4.4-13 does not specifically detail the Beartrap Turnout with the access road. The DWR parcel is not listed on the legend. Since water supply is paramount to the Project, the DWR parcel should be clearly shown on figures and described in the text. 4c-J

4c-K
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Page 3

Pages 4.4-99, -101, -107:  
The DEIR describes on these pages the short-term construction related impacts to special status plants, special status wildlife, and long-term operational related impacts. 4c-L

DWR Comment:  
The DEIR does not differentiate between the offsite infrastructure projects. Therefore, it is unclear if the work proposed for the Beartrap Turnout and Pipeline Improvement Project will have impacts. Due to the importance of water supply to the Project and the need for detailed environmental documentation for turnout authorization, DWR respectfully requests that Kern County detail any impacts associated with the Beartrap Turnout and Pipeline Improvement Project in this section. 4c-M

Table 4.4-155, Page 4.4-382:  
The applicant states in the DEIR that there are offsite infrastructure projects. The Beartrap Turnout and Pipeline Improvement Project is one of the offsite infrastructure projects but is not described in the Project description. Table 4.4-155 depicts the number of acres within the "Development Envelope, Offsite Infrastructure, and Fuel Modification Zones". 4c-N

DWR Comment:  
Due to the importance of water supply to the Project and the need for detailed environmental documentation for turnout authorization, DWR respectfully requests that Kern County specifically detail the Beartrap Turnout and Pipeline Improvement Project in this table. Specifically list acreage associated with the Beartrap Turnout and Pipeline Improvement Project and not the acreage as a total sum of offsite infrastructure projects. 4c-O

Utilities and Service Systems  
Table 4.16-4, Page 4.16-15:  
Under the column of the year 2023, the Total TCWD Demand totals 4,210. 4c-P

DWR Comment:  
The total is actually 4,102. 4c-Q

Organizations and Persons Consulted  
Page 8-2 and DWR Comment:  
Under the heading of "California Department of Water Resources", please change the spelling to "Craig Trombly" and "Karen Joelson". 4c-R
Comment Letter 4c, Cont.

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July 13, 2009
Page 4

Appendix N1 – Tejon Mountain Village Water Supply Assessment
Page 12, Section 3.1.1, second paragraph:
DWR has contractually allocated the SWP’s maximum delivery capacity of 4.2 million acre-feet per year to each of the system’s 29 primary contractors. 4c-S

DWR Comment:
The SWP was designed to deliver a maximum of 4.2 million acre-feet per year. However, actual annual SWP deliveries depend on various operational constraints including, but not limited to, hydrological conditions and environmental restrictions. In any case, the available deliveries are distributed among the system’s 29 contractors according to contractual agreements. 4c-T

Additional DWR Comments
Due to the unique operating conditions of the Beartrap Turnout, DWR cannot guarantee adequate head for deliveries through this turnout at any particular time. Because of the variable head and the fact that the existing valve design does not allow for the valve to be throttled, flow through the turnout will be unpredictable both in timing and flow rate. DWR has no liability at any time for these unpredictable flows. 4c-U

DWR stresses that at times Edmonston pumping plant, just upstream of the Beartrap turnout, may be shut down or have reduced operations due to real time hydrology, operations, weather, or other conditions, and that Tejon Mountain Village’s alternate supplies of water must be sufficient to meet its demands in the absence of SWP water for an indefinite period of time. 4c-V

DWR recognizes that the portion of Pastoria Creek that will be impacted by the installation of a vault and all water flowing through DWR’s parcel must be diverted from the upstream end in order to sufficiently dewater the site. Authorization and approvals from regulatory agencies including the California Department of Fish and Game and the Regional Water Quality Control Board will be required prior to commencing work. 4c-W

Thank you for the opportunity to review and comment on this document. If you have any questions or need additional information, please call me at (916) 653-4313.

Sincerely,

Robert B. Cocke, Chief
State Water Project Analysis Office
Comment Letter 4c. Department of Water Resources (July 13, 2009)

Response 4c A.

Thank you for your comment. The Department of Water Resources (DWR) describes certain components of the Tejon Mountain Village Project, including the anticipated number and size of residential units, commercial square footage, hotel units, and golf courses. The commentor correctly describes these components of the Project, as described in Chapter 3, PROJECT DESCRIPTION of the Draft EIR.

Response 4c B.

Commentor provides information regarding DWR facilities that traverse the Project site and facilities contained within a 35-acre parcel owned by DWR that is surrounded by the proposed Project. The 35 acre parcel includes the location known as the Bear trap turnout located at mile 298.65 on the California Aqueduct. Page 4.16-10 of the Draft EIR states that TCWD would serve the Project with water delivered through an existing turnout located at mile 298.65 of the California Aqueduct. Figure 4.16-1 of the Draft EIR illustrates the location of California Aqueduct as it crosses the Tejon Mountain Village Specific Plan Area. Figure 4.16-2 of the Draft EIR illustrates the location and boundaries of the 35 acre DWR parcel. Commentor accurately summarizes page 4.16-10 of the Draft EIR regarding turnout improvements associated with delivering water from the aqueduct to the Project via the turnout.

Response 4c C.

Commentor provides information regarding the elevation and physical setting associated with Bear trap Canyon where the Bear trap turnout is located. The comment describes the basic characteristics of the canyon consistent with information contained in the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 4c D.

Commentor notes that the Project includes limited infrastructure improvements outside the Tejon Mountain Village Specific Plan Area. The comment correctly notes that the turnout improvements, pipeline extending from the turnout and access road were categorized as off-site improvements. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 4c E.

Commentor describes language contained in the Draft EIR text on page 3-38 regarding potable water supply and distribution for the Project. The comment accurately describes the information provided on page 3-38.
Response 4c F.

Commentor requests that the offsite water supply infrastructure proposed for property owned by DWR be included in the Project Description and evaluated at the same level of detail, and in the same Draft EIR text and Figures, as other components of the Project.

The potable water supply infrastructure proposed for a small property owned by DWR and surrounded by land owned by Tejon Ranchcorp is included in the Project Description (Draft EIR Section 3.5.2), and is described in text (Draft EIR pages 3-38) and in a Figure (Figure 3-16) at the same level of detail as the other "Project Backbone Infrastructure" included in the Project Description, including circulation, trails, potable water supply and distribution, wastewater collection and reclamation, drainage and dry utilities. In addition, page 3.38 of the DEIR, Project Description, and page 4.16-10 of the DEIR, Utilities and Infrastructure Systems, also includes a detailed description and aerial photograph that depicts DWR-owned property boundaries, and also identifies the turnout (with vault) and pipeline proposed to be located on this property. See Draft EIR Figure 4.16-2, and related text. Kern County agrees that ultimate authorization for any turnout improvements will be made by the Department of Water Resources and the project proponent will be subject to those requirements identified by DWR.

Similarly, Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES, includes impacts relating to both temporary construction impacts and the permanent vault and subsurface pipeline planned for this DWR-owned parcel. Impacts and mitigation measures applicable to this DWR-owned parcel are also, as noted by the commentor, included in the Tejon Mountain Village Specific and Community Plan and Special Planning District (addressing among other topics impacts and mitigation measures relating to wetlands and surface waters), and in other relevant topical sections of the DRAFT EIR, such as Section 4.4, BIOLOGICAL RESOURCES.

Although the Project Description and Environmental Setting include the DWR-owned property, as described above, and are thus complete, the DWR-owned property was separately identified based on its DWR ownership status, and thus its exclusion from the boundaries of the property owned by Tejon Ranch for which County Specific Plan zoning and other entitlement approvals are sought. As required by CEQA, however, the DWR-owned property was evaluated at the same level of detail as other Project components, and the Draft EIR also included applicable mitigation measures for impacts on this DWR-owned property.

For clarity and completeness, the property owned by DWR is outlined on Figure 3-16, and on many other Figures in the DRAFT EIR, includes a legend or caption noting, "Not a Part". This phrase is used to describe the DWR-owned Property in relation to the ownership boundaries of the "Specific Plan Area," for which zoning and other entitlement applications (including approval of a Specific Plan) are pending before Kern County. As a state agency, DWR-owned land is generally not subject to local land use zoning requirements, and is thus not included in the Specific Plan.

The Tejon Mountain Village Specific and Community Plan and Special Planning District of the Draft EIR includes the entirety of the Specific Plan, including the boundaries for which such zoning approvals are sought from Kern County, inclusive only of property that is owned by Tejon Ranch. (Draft EIR Appendix B-1, section 1.5). Relevant Figures in the Specific Plan denote the DWR-owned parcel as "Not a Part" – i.e., not included in the Specific Plan boundaries for which Specific Plan zoning approval is sought from Kern County (see, e.g., Figure 3-2 of Appendix B-1).
For clarity and completeness, Appendix B-2 of the Draft EIR includes the entirety of the DWR-owned parcel for which potable water supply infrastructure improvements are proposed. This Appendix B-2 is given parallel status to the Specific Plan for the reasons noted by the DWR commenter, i.e., that the potable water supply infrastructure improvements proposed for DWR-owned property are integral components of the Project and for that reason were included in the EIR Project Description as noted above. The DWR-owned parcel is not, however, part of the Specific Plan and thus it would have been inaccurate to include the DWR-owned parcel within the Specific Plan Area.

Based on extensive prior communications with DWR, Appendix B-2 also includes a detailed design for the planned infrastructure improvements proposed for DWR-owned land, including a Figure prepared by the engineering firm of GEI that depicts planned temporary disturbance areas (during construction) as well as permanent water infrastructure components. Impacts to natural resources on DWR-owned land are likewise identified, both in Appendix B-2 (Figure 3, showing impacts to surface waters and wetlands, and corresponding text), and in relevant portions of the Draft EIR text including, as noted by the commentor, Section 4.4, BIOLOGICAL RESOURCES.

Commentor correctly notes, however, that impacts to various vegetation types and other biological resources are aggregated in the Biology Section, and include acreage totals for both the DWR-owned property and for other "offsite" impacts which are likewise not included in the Specific Plan Area, but would occur from Project-related activities that occur outside the Tejon Mountain Village Specific Plan boundary. As explained in the Biology Section, for example, "Offsite impacts can be short-term, long-term, indirect, direct, and/or secondary, as defined above. Tejon Mountain Village offsite impacts could be associated with the Interstate 5–Lebec interchange improvements; the subsurface turnout and pipeline and the access road to be constructed by TCWD; a bridge crossing at Cuddy Creek; and a new substation for electric power east of Interstate 5 near the intersection of Lebec Road and Lebec Oaks Road (see Figure 4.4-13). Figure 4.4-13 also shows an offsite impact area associated with a proposed utility line crossing at Cuddy Creek." Impacts on the DWR-parcel are included in Figure 4.4-13. Through the remainder of the Biology section of the Draft EIR, biological impacts to these offsite areas are aggregated.

In response to Commentor's request that impacts to the DWR-owned property be separately identified, and disaggregated from other offsite impacts, the following new table, and new figure, are inserted which identify the disaggregated total acreage impacts in various impact categories to DWR-owned parcel identified in the Draft EIR, for both temporary (construction-related) impacts and the permanent use of a portion of this property for turnout and pipeline facilities. There are no new impacts associated with this information – it is simply the disaggregation of impact information already included in the Draft EIR for the purpose of reporting exclusively impacts on DWR-owned property. It should be noted that a portion of this disaggregated information was already presented (for wetlands and surface waters) in Appendix B-2, and the remainder is based on two technical reports referenced in Appendix B-2 (Dudek 2008, and Impact Sciences 2008).
Figure 4.4-4a

Tejon Mountain Village
EIR

Vegetation Map and Other Biological Resources on the Department of Water Resources Parcel
### Table 4.4-155a. Summary of Sensitive Vegetation Community Acreage within Potential Impact Areas on the DWR-Owned Property (Separately Identified and Disaggregated from Other Off-site Impacts)

<table>
<thead>
<tr>
<th>General Habitat</th>
<th>Alliance</th>
<th>Vegetation Community</th>
<th>Short-Term (Direct) Impacts (acres)</th>
<th>Long-Term (Direct) Impacts (acres)</th>
<th>Total Impacts (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GRASS- AND HERB-DOMINATED COMMUNITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadows and Seeps</td>
<td>Rush Riparian Grassland</td>
<td>Rush Riparian Grassland</td>
<td>0.3</td>
<td></td>
<td>0.3</td>
</tr>
<tr>
<td>Not Dominated by Grases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MARSH COMMUNITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td>Cattail Wetland</td>
<td>Broad-leafed Cattail</td>
<td>1.4</td>
<td></td>
<td>1.4</td>
</tr>
<tr>
<td><strong>RIPARIAN AND BOTTOMLAND HABITAT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riparian Forest and Woodland</td>
<td>Mixed Willow Riparian Forests and Woodlands</td>
<td>Mixed Willow Riparian Forests and Woodlands</td>
<td>0.1</td>
<td></td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Central California Sycamore Alluvial Woodland</td>
<td>Central California Sycamore Alluvial Woodland</td>
<td></td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td><strong>BROAD-LEAFED UPLAND TREE-DOMINATED COMMUNITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak Woodlands and Forests</td>
<td>Black Oak Forests and Woodland</td>
<td>Black Oak–Valley Oak</td>
<td>0.1</td>
<td></td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Valley Oak Forests and Woodlands</td>
<td>Valley Oak/Grass</td>
<td>0.3</td>
<td>0.3</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2.2</td>
<td>0.4</td>
<td>2.6</td>
</tr>
</tbody>
</table>
Additionally, approximately 4.4 acres of Tejon Ranch property are proposed to be swapped to DWR for use as a staging and storage area for aqueduct maintenance activities. These activities currently occur on a portion of the DWR-owned parcel that would be utilized by the TCWD treatment facilities that will be constructed as part of Project infrastructure. This supplemental infrastructure improvement area is added to the Development Envelope, and its development and utilization as a DWR staging and storage area, is within the 5,082 acres of total permanent ground disturbance impacts of the Project. This new area does not include any unique or unusual resources, and does not warrant any new mitigation measures or change the significance of any Project impacts. New narrative text describing this area, a new Table depicting the Biological Resources in this area, and a new Figure depicting this area, are included below and are inserts to the FinalEIR and reproduced below. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. The text, figures and tables will be revised as follows:

Page 4.4-387

This section describes the biological resources and impacts associated with the 4.4-acre DWR Swap Site, which is an extension of the impacts analyzed in Section 4.4, BIOLOGICAL RESOURCES, of the Draft Environmental Impact Report (EIR) for the Tejon Mountain Village Project. Figure 4.4-4b shows the location of the DWR Swap Site, which includes three areas totaling 4.4 acres. These three areas, referred to herein collectively as the DWR Swap Site, are located between 3,109 feet and 3,284 feet above mean sea level (AMSL).

Impacts

The biological resources and impacts associated with the DWR Swap Site are described below. For purposes of this analysis, the entire footprint of the DWR Swap Site is considered impacted. Figure 4.4-4b shows the biological resources on or adjacent to the DWR Swap Site. In addition, there are no Special Management Areas, identified in Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR for the Tejon Mountain Village Project, on DWR Swap Site.

Vegetation Communities/Oak Resources

Table 4.4-155b summarizes the vegetation communities that are within the 4.4-acre DWR Swap Site that would be impacted.
Table 4.4-155b. DWR Swap Site Vegetation Communities/Direct Impacts

<table>
<thead>
<tr>
<th>General Habitat</th>
<th>Alliance</th>
<th>Vegetation Community</th>
<th>Direct Impacts (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban/Developed</td>
<td>Developed/Disturbed</td>
<td>Developed/Disturbed</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>Habitat</td>
<td>Habitat</td>
<td></td>
</tr>
<tr>
<td>Non-Native</td>
<td>Vegetation, Developed Areas,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or Unvegetated Habitat Total</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>Chaparral with</td>
<td>Interior Live Oak</td>
<td>Interior Live Oak</td>
<td></td>
</tr>
<tr>
<td>Oak as</td>
<td>Chaparral</td>
<td>Chaparral</td>
<td>0.5</td>
</tr>
<tr>
<td>Principal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indicator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scrub and</td>
<td></td>
<td></td>
<td>0.5</td>
</tr>
<tr>
<td>Chaparral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Native</td>
<td>Not Applicable</td>
<td>Non-Native Grassland</td>
<td>0.1</td>
</tr>
<tr>
<td>Grassland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grass and</td>
<td></td>
<td></td>
<td>0.1</td>
</tr>
<tr>
<td>Herb-Dominated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak Woodlands</td>
<td>Black Oak Forests</td>
<td>Black Oak–Valley Oak</td>
<td>0.2</td>
</tr>
<tr>
<td>and Forests</td>
<td>and Woodland</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Blue Oak Woodland</td>
<td>Blue Oak Grass</td>
<td>2.4</td>
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<tr>
<td></td>
<td>Valley Oak Forests</td>
<td>Blue Oak–Valley</td>
<td>0.9</td>
</tr>
<tr>
<td>and Woodlands</td>
<td>and Woodlands</td>
<td>Oak/Grass</td>
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<tr>
<td>Broad-Leafed</td>
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<td>3.6</td>
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<tr>
<td>Upland Tree</td>
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<tr>
<td>Dominated</td>
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<td>Communities</td>
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<tr>
<td>Total</td>
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<td>4.4</td>
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</tbody>
</table>

A total of 3.6 acres of oak woodlands occur within the DWR Swap Site. Kern County regulates impacts to oak trees. Two of the oak woodland vegetation communities are considered sensitive by CDFG (2003; updated 2007): Black Oak–Valley Oak and Blue Oak–Valley Oak/Grass. Impacts to oak trees would be a significant impact.

**Jurisdictional Wetlands/Waters**

No jurisdictional waters of the U.S. or riparian/stream habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, or California Department of Fish and Game occur in, or would be impacted by, the DWR Swap Site. Therefore, no significant impacts would occur to jurisdictional wetlands/waters.

**Special-Status Species**

**Special-Status Plants**

No special-status plant species locations occur in, or would be directly impacted by, the DWR Swap Site. The Draft EIR addresses impacts to 19 special-status plants, 16 of which occur within the elevational range and vegetation communities at the DWR Swap Site (see Table 4.4-155c). Table 4.4-155c below identifies the 19 special-status plant species analyzed, the status of the species, the species habitat and presence on site, and the potential for the species to be impacted.
**Short-term direct impacts** to potential future occurrences of these 16 special-status plant species (see Table 4.4-155c) within the development envelope would be less than significant. Short-term construction activities near potential future locations of these 16 special-status plant species could occur. Short-term indirect impacts identified in the Draft EIR include: construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting. **Short-term indirect impacts** could result in potentially significant indirect impacts.

**Long-term direct impacts** to potential future occurrences of these 16 special-status plant species (see Table 4.4-155c) within the DWR Swap Site would be less than significant. Long-term activities near potential future locations of these 16 special-status plant species could occur. Long-term indirect impacts identified in the Draft EIR include: include potential chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the Project’s underground utility systems. **Long-term indirect impacts** could result in potentially significant indirect impacts.

**Special-Status Wildlife**

No special-status wildlife species locations occur in, or would be directly impacted by, the DWR Swap Site. The Draft EIR addresses impacts to 47 special-status wildlife, 31 of which occur within the elevational range and vegetation communities at the DWR Swap Site (see Table 4.4-155d). Table 3 below identifies the 47 special-status species analyzed, the status of the species, the species habitat and presence on site, and the potential for the species to be impacted.

**Short-term direct impacts** to potential future occurrences of these 31 special-status wildlife species (see Table 4.4-155d) within the development envelope would be less than significant. Short-term construction activities near potential future locations of these 31 special-status wildlife species could occur. Short-term indirect impacts identified in the Draft EIR include: construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting. **Short-term indirect impacts** could result in potentially significant indirect impacts.

**Long-term direct impacts** to potential future occurrences of these 31 special-status species (see Table 4.4-155c) within the DWR Swap Site would be less than significant. Long-term activities near potential future locations of these 31 special-status wildlife species could occur. Long-term indirect impacts identified in the Draft EIR include: potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status species; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the Project’s underground utility systems. **Long-term indirect impacts** could result in potentially significant indirect impacts.
Mitigation

Vegetation Communities/Oak Resources

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-31, 4.4-32, 4.4-37, 4.4-39, 4.4-48 through 4.4-56, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential direct and indirect impacts to less-than-significant levels.

Jurisdictional Wetlands/Waters

No impacts would occur to jurisdictional waters of the U.S. or riparian/stream habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, or California Department of Fish and Game in the DWR Swap Site.

No mitigation is required.

Special-Status Species

Special-Status Plants

Implementation of Mitigation Measures 4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-37, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status plants to less than significant.

Special-Status Wildlife

Amphibians: Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-32, 4.4-33, 4.4-34, 4.4-36, 4.4-37, 4.4-38, 4.4-39, 4.4-44 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status amphibians to less than significant.

Reptiles: Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-28, 4.4-29, 4.4-32, 4.4-34, 4.4-36, 4.4-37, 4.4-39, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status amphibians to less than significant.

Birds: Implementation of Mitigation Measures 4.4-1, 4.4-2, 4.4-3, 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-35, 4.4-36, 4.4-37, 4.4-39, 4.4-40, 4.4-41, 4.4-42, 4.4-45, 4.4-46 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to special-status birds to less than significant.

Mammals: Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-25, 4.4-26, 4.4-29, 4.4-30, 4.4-32, 4.4-
36, 4.4-37, and 4.4-39, 4.4-43, would reduce potential impacts to special-status mammals to less than significant.
### Table 4.4-155c. Special-Status Plants Species Considered in the Impact Analysis

<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Status</th>
<th>Description</th>
<th>Potential Impacts in the DWR Swap Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Tejon woolly sunflower (<em>Eriophyllum lanatum var. hallii</em>)</td>
<td>CNPS List 1B</td>
<td>Chaparral, cismontane woodland; 3,940–4,910 feet in elevation; blooms May–June; 36 occurrences with 3,000–8,500 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Kusche’s sandwort (<em>Eremogone macradenia var. arcaufolia</em> [=<em>Arenaria macradenia var. kuschei]</em>)</td>
<td>CNPS List 1B</td>
<td>Chaparral, openings; 4,000–5,600 feet in elevation; blooms June–July; 7 occurrences with 24 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Piute Mountains navarretia (<em>Navarretia setiloba</em>)</td>
<td>CNPS List 1B</td>
<td>Cismontane woodland, pinyon and juniper woodland, valley and foothill grassland; rare endemic of heavy soils; 1,000–6,890 feet in elevation; blooms April–June; 220 occurrences with 35,300–93,300 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Round-leaved filaree (<em>California macrophylla</em> [=<em>Erodium macrophyllum]</em>)</td>
<td>CNPS List 1B</td>
<td>Cismontane woodland and valley and foothill grassland; generally found in open sites on clay soils; 0–4,000 feet in elevation; blooms March–May; does not occur on site, but observed south and southeast of the site; moderate potential to occur on site</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Striped adobe-lily (<em>Fritillaria striata</em>)</td>
<td>State threatened; CNPS List 1B</td>
<td>Oak woodlands and valley and foothill grassland; generally found in open sites on clay soils; 0–4,800 feet in elevation; blooms February–May; does not occur on site and is typically found at lower elevations in the Central Valley; moderate potential to occur on site</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Tejon poppy (<em>Eschscholzia lemmonii ssp. kernensis</em>)</td>
<td>CNPS List 1B</td>
<td>Scrub communities and valley and foothill grassland; 0–3,300 feet in elevation; blooms March–May; does not occur on site; moderate potential to occur on site.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Aromatic canyon gooseberry (<em>Ribes menziesii var. ixoderme</em>)</td>
<td>CNPS List 1B</td>
<td>Chaparral, cismontane woodland; rare in the blue (Douglas) oak woodland; 2,000–3,810 feet in elevation; blooms April; 79 occurrences with 700 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Description</td>
<td>Potential Impacts in the DWR Swap Site</td>
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<tr>
<td>Calico monkeyflower (Mimulus pictus)</td>
<td>CNPS List 1B</td>
<td>Broad-leaved upland forest, cismontane woodland, disturbed areas; occasional in blue (Douglas) oak woodland; 330–4,270 feet in elevation; blooms March–May; 9 occurrences with 700–1,300 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Palmer’s mariposa lily (Calochortus palmeri var. palmeri)</td>
<td>CNPS List 1B</td>
<td>Chaparral, lower montane coniferous forest, meadows and seeps; 3,280–7,840 feet in elevation; blooms May–July; 3 occurrences with 11 individuals observed.</td>
<td>Potential impacts to species could occur.</td>
</tr>
<tr>
<td>San Bernardino aster (Symphyotrichum defoliatum [=Aster bernardinus])</td>
<td>CNPS List 1B</td>
<td>Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland near ditches, springs and streams; freshwater wetlands, coastal sage scrub, southern oak woodland, freshwater marsh; ≤6,690 feet in elevation; blooms July–November; 16 occurrences with 6,300–12,800 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Flax-like monardella (Monardella linoides ssp. oblonga)</td>
<td>CNPS List 1B</td>
<td>Lower montane coniferous forest, pinyon and juniper woodland, upper montane coniferous forest, desert scrub, pinyon and juniper woodland, open conifer forest, subalpine; 2,950–8,100 feet in elevation; blooms June–August; 4 occurrences with 300–600 individual observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Golden violet (Viola aurea)</td>
<td>CNPS List 2</td>
<td>Great Basin scrub, pinyon and juniper woodland; 3,280–6,690 feet in elevation; blooms April–June; 1 occurrence with 30 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Gypsum-loving larkspur (Delphinium gypsophilum ssp. gypsophilum)</td>
<td>CNPS List 4</td>
<td>Chenopod scrub, cismontane woodland, valley and foothill grassland; 330–2,710 feet in elevation, based upon literature, but observed up to 4,600 feet in elevation on site; blooms February–May; 2 occurrences with 100–200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>Common Name</strong> (Scientific Name)</td>
<td><strong>Status</strong></td>
<td><strong>Description</strong></td>
<td><strong>Potential Impacts in the DWR Swap Site</strong></td>
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</tr>
<tr>
<td>Hoover’s eriastrum (Eriastrum hooveri)</td>
<td>CNPS List 4</td>
<td>Chenopod scrub, pinyon and juniper woodland, valley and foothill grassland; 160–3,000 feet in elevation, based upon literature, but observed up to 4,800 feet in elevation on site; blooms March–July; 17 occurrences with 700–1,200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Sylvan microseris (Microseris sylvatica)</td>
<td>CNPS List 4</td>
<td>Chaparral, cismontane woodland, great basin scrub, pinyon and juniper woodland, valley and foothill grassland; occasional in chaparral and blue (Douglas) oak woodland; 150–4,920 feet in elevation; blooms March–June; 11 occurrences with 900–1,700 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Adobe yampah (Perideridia pringlei)</td>
<td>CNPS List 4</td>
<td>Chaparral, cismontane woodland, coastal scrub, pinyon and juniper woodland; blue (Douglas) oak woodland and chaparral, rare in pinyon woodland and Jeffrey pine forest; 980–5,910 feet in elevation; blooms April–June; 293 occurrences with 11,200–21,300 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Silvery false lupine (Thermopsis macrophylla [californica] var. argentata)</td>
<td>CNPS List 4</td>
<td>Lower montane coniferous forest, pinyon and juniper woodland; 2,950–5,230 feet in elevation; blooms April–July; 49 occurrences with 54,500–199,200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Small-flowered monkeyflower (Mimulus inconspicuous)</td>
<td>CNPS List 4</td>
<td>Chaparral, cismontane woodland, lower montane coniferous forest; 900–2,490 feet in elevation, based upon literature, but observed up to 4,400 feet in elevation on site; blooms May–June; 3 occurrences with 600–1,200 individuals observed.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Tehachapi buckwheat (Eriogonum callistum)</td>
<td>CNPS List 1B</td>
<td>Chaparral communities; 4,590–4,920 feet in elevation; blooms May–June; 6 occurrences with 200 individuals observed.</td>
<td>No potential impacts. Species occurs at elevations higher than the DWR Swap Site.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Description</td>
<td>Potential Impacts in the DWR Swap Site</td>
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**Table Notes**

CNPS  California Native Plant Society rankings

– List 1A: Presumed Extinct in California
– List 1B: Rare or Endangered in California and Elsewhere
– List 2: Rare or Endangered in California, More Common Elsewhere
– List 3: Need More Information
– List 4: Plants of Limited Distribution
Table 4.4-155d. Special-Status Wildlife Species Considered in the Impact Analysis

<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Status</th>
<th>Comments</th>
<th>Potential Impacts in the DWR Swap Site</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Invertebrates</strong></td>
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</tr>
<tr>
<td>Valley elderberry longhorn beetle (<em>Desmocerus californicus dimorphus</em>)</td>
<td>Federal: threatened</td>
<td>Low potential to occur due to site’s location at the upper range of the documented elevation for this species. Riparian habitat and adjacent uplands. Completely dependent on host plant elderberry. Current range includes the length of the Central Valley from Redding to Bakersfield, sea level up to 3,000 feet.</td>
<td>No potential impacts. Species occurs at elevations lower than the DWR Swap Site.</td>
</tr>
<tr>
<td><strong>Amphibians</strong></td>
<td></td>
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</tr>
<tr>
<td>Western spadefoot (<em>Spea [Scaphiopus] hammondii</em>)</td>
<td>Federal: BLM sensitive State: State Species of Special Concern</td>
<td>Low potential to occur on site at the lower elevations. 2007 focused surveys negative. Most common in grasslands, coastal sage scrub near rain pools or vernal pools; riparian habitats. Endemic to California from north end of great Central Valley, south, east of the Sierras and the deserts. From sea level to 4,471 feet.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Yellow-blotched salamander (<em>Ensatina eschscholtzii croceater</em>)</td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Deciduous and evergreen forests, oak woodlands, and canyons. Endemic to California; occurs in Tehachapi Mountains, Mt. Pinos, near Fort Tejon, and near Frazier-Alamo Mountain at 1,000–11,000 feet in elevation.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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<tr>
<td><strong>American peregrine falcon (nesting) (Falco peregrinus anatum)</strong></td>
<td>Federal: USFS sensitive; USFWS Birds of Conservation Concern; FESA delisted; State: State endangered; DFG protected and fully protected species; CDF sensitive</td>
<td>Observed foraging on site during winter. Low potential to occur as a breeding bird due to nesting habitat requirements. May migrate through the region and on site. Forages in wetlands, riparian, meadows, croplands, especially where waterfowl are present. Extremely widespread, from sea level to 12,000 feet.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>American white pelican (nesting colony) (Pelecanus erythrorhynchos)</strong></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site during winter but did not nest on site. Low potential to nest on site. Open water. Migrant flocks pass overhead almost any month.</td>
<td>No potential impacts. Species observed in association with Castac Lake.</td>
</tr>
<tr>
<td><strong>Bald eagle (nesting and wintering) (Haliaeetus leucocephalus)</strong></td>
<td>Federal: ESA delisted State: State endangered; DFG protected and fully protected species; CDF sensitive</td>
<td>Observed infrequently during the winter; not wintering congregation. Moderate potential to occur on site in association with Castac Lake during the winter. Low potential to occur on site as a breeding bird. Rivers, swamps, large lakes; winters at large bodies of water in lowlands and mountains. Winters throughout the state.</td>
<td>No potential impacts. Species observed in association with Castac Lake.</td>
</tr>
<tr>
<td><strong>Black-chinned sparrow (nesting) (Spizella atrogularis)</strong></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>High potential to occur for nesting and foraging on site due to presence of suitable habitat and range documented for this region. While not detected on site, presumed present. Sloping ground in mixed chaparral, chamise-redshank chaparral, sagebrush, and other bushy habitats. Sea level to almost 8,200 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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</tr>
<tr>
<td>Brewer's sparrow (nesting) (Spizella breweri)</td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. Low potential to nest on site. Breeds in treeless shrub areas, especially in sagebrush habitat with moderate canopy. Occurs east of the Cascade–Sierra Nevada crest, in mountains and higher valleys of Mojave Desert, and in those bounding southern end of the San Joaquin Valley.</td>
<td>No potential impacts. No scrub will be impacted.</td>
</tr>
<tr>
<td>Burrowing owl (burrow sites and some wintering sites) (Athene cunicularia)</td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed once during winter in northern (lower elevation) portion of site. Low potential to occupy burrow sites on site. Grassland, lowland scrub, agriculture, coastal dunes, and other artificial open areas. Found in lowlands of much of California, including most of central and western Kern County, and central and eastern Los Angeles County. May be some movement down slope in winter, or wandering.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>California condor (Gymnogyps californianus)</td>
<td>Federal: Federally endangered State: State endangered; CDF sensitive; DFG protected and fully protected species</td>
<td>Observed on site. Forages over wide areas of open grassland, roosts on cliffs and in large trees and snags. Resident of the semi-arid, rugged mountain ranges surrounding the southern San Joaquin Valley, including the Coast Ranges from Santa Clara County south to Los Angeles County, the Transverse Ranges, Tehachapi Mountains, and southern Sierra Nevada. Occurs mostly between sea level and 8,100 feet.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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<tr>
<td>California spotted owl (Strix occidentalis occidentalis)</td>
<td>Federal: USFS sensitive; BLM sensitive; USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed on site as a single resident female. Not expected to breed on site. Steep-walled canyons that are densely wooded with mixtures of oaks and conifers and ranges into mixed coniferous forest in the southern mountains but always requires some dense stands of oaks. South through the remainder of the western Sierra Nevada and Tehachapi mountains to Lebec, Kern County.</td>
<td>No potential impacts. No conifers occur in this area.</td>
</tr>
<tr>
<td>Caspian tern (nesting colony) (Hydroprogne caspia)</td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. Did not nest on site.</td>
<td>No potential impacts. Species observed in association with Castac Lake.</td>
</tr>
<tr>
<td>Ferruginous hawk (wintering) (Buteo regalis)</td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: Watch List</td>
<td>Observed on site as a wintering bird. Does not breed in the region. Open, dry country, grasslands, open fields, agriculture. Uncommon winter resident and migrant at lower elevations and open grasslands in the Central Valley and Coast Ranges. Fairly common winter resident of grasslands and agricultural areas in southwestern California.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Golden eagle (nesting and wintering) (Aquila chrysaetos)</td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: DFG protected and fully protected species; Watch List; CDF sensitive</td>
<td>Observed on site for nesting, foraging, and wintering. Open country, especially hilly and mountainous regions: grassland, coastal sage scrub, chaparral, oak savannas, open coniferous forest. Range includes most of California with the exception of the Central Valley. Elevation ranges from sea level up to 11,500 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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</tr>
<tr>
<td><strong>Lawrence’s goldfinch</strong> <em>(nesting)</em> <em>(Carduelis lawrencei)</em></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. High likelihood to nest on site. Valley foothill hardwoods and hardwood-conifer, and desert riparian, palm oasis, pinyon-juniper. Rather common along western edge of southern deserts, fairly common but erratic from year to year in Santa Clara County and uncommon in foothills surrounding Central Valley.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>Lewis's woodpecker</strong> <em>(nesting)</em> <em>(Melanerpes lewis)</em></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site for nesting and foraging. Open oak savannah and broken deciduous and conifer habitats. Breeds locally along eastern slopes of the Coast Ranges.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>Little willow flycatcher</strong> <em>(nesting)</em> <em>(Empidonax traillii brewsteri)</em></td>
<td>State: State endangered</td>
<td>Observation of foraging willow flycatcher species is likely little willow flycatcher due to timing of observations. No willow flycatcher was observed nesting on site nor is expected to nest on site. Most often occurs in broad, open river valleys or large mountain meadows with shrubby willows. Central California north of the Santa Inez River from sea level to 7,200 feet.</td>
<td>No potential impacts. No suitable habitat for this species in the DWR Swap Site.</td>
</tr>
<tr>
<td><strong>Loggerhead shrike</strong> <em>(nesting)</em> <em>(Lanius ludovicianus)</em></td>
<td>Federal: USFWS Birds of Conservation Concern</td>
<td>Observed on site. High potential to nest on site. Open ground including grassland, coastal sage scrub, broken chaparral, agriculture, riparian, open woodland. Common resident and winter visitor in lowlands and foothills throughout California.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td><strong>Long-billed curlew</strong> <em>(nesting)</em> <em>(Numenius americanus)</em></td>
<td>Federal: USFWS Birds of Conservation Concern State: Watch List</td>
<td>Observed on site. Not expected to breed on site due to its range. May occur on site as a wintering bird or as a migrant. Winters in coastal estuaries, open grasslands, and croplands. Winter visitor along Central and Imperial valleys, where the largest flocks occur.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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</tr>
<tr>
<td>Northern goshawk (nesting) (Accipiter gentilis)</td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern; CDF sensitive</td>
<td>Observed on site, but nesting not confirmed. Low potential to nest on site. Prefers middle and higher elevations and mature, dense conifer forests.</td>
<td>No potential impacts. No conifers occur in this area.</td>
</tr>
<tr>
<td>Northern harrier (nesting) (Circus cyaneus)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site, but nesting not confirmed. Moderate potential to nest on site. Open wetlands (nesting), pasture, old fields, dry uplands, grasslands, rangelands, coastal sage scrub. Breeds from sea level to 5,700 in the Central Valley. Permanent resident of the northeastern plateau and coastal areas; less common resident of the Central Valley. Widespread winter resident and migrant in suitable habitat.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Prairie falcon (nesting) (Falco mexicanus)</td>
<td>Federal: USFWS Birds of Conservation Concern State: Watch List</td>
<td>Observed on site for nesting and foraging. Grassland, savannahs, rangeland, agriculture, desert scrub, alpine meadows; nest on cliffs or bluffs. Uncommon permanent resident throughout the Central Valley and along the inner Coast Ranges.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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<tr>
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</tr>
<tr>
<td>Purple martin (nesting) (Progne subis)</td>
<td>State: State Species of Special Concern</td>
<td>Nests in tall sycamores, pines, oak woodlands, coniferous forest; forages over riparian, forest, and woodland. Only a rare and local breeder on the coast and in interior mountain ranges, with few breeding localities.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Short-eared owl (nesting) (Asio flammeus)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site with young. Grassland, prairies, dunes, meadows, irrigated lands, saline and freshwater emergent wetlands. May winter at all elevations.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Southwestern willow flycatcher (nesting) (Empidonax traillii extimus)</td>
<td>Federal: endangered; State: endangered, Watch List</td>
<td>Low potential to occur on site. Riparian woodlands along streams and rivers with mature, dense stands of willows or alders; may nest in thickets dominated by tamarisk. Southern California from the Santa Inez River south. Elevations range from sea level to 8,000 feet.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
</tr>
<tr>
<td>Swainson's hawk (nesting) (Buteo swainsoni)</td>
<td>Federal: USFS sensitive; USFWS Birds of Conservation Concern State: State threatened</td>
<td>Observed on site as a migrant through the area. Not expected to breed in the region. Open grassland, shrublands, and croplands. Current distribution includes Central Valley.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Tricolored blackbird (nesting colony) (Agelaius tricolor)</td>
<td>Federal: BLM sensitive; USFWS Birds of Conservation Concern State: State Species of Special Concern</td>
<td>Observed on site, nesting confirmed on site. Nests near fresh water, emergent wetland with cattails or tules; forages in grasslands, woodland, agriculture. Common locally throughout Central Valley found regularly in Los Angeles County.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Vermilion flycatcher (nesting) (Pyrocephalus rubinus)</td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. Not expected to breed in this region. Breeds near water in both riparian groves and mesquite that have bordering fields, especially irrigated fields.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
</tr>
<tr>
<td>-------------------------------</td>
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</tr>
<tr>
<td>Western yellow-billed cuckoo <em>(Coccyzus americanus occidentalis)</em></td>
<td>Federal: candidate; USFS sensitive; USFWS Birds of Conservation Concern State: endangered</td>
<td>Low potential to occur due to overall rarity and small amount of suitable habitat. Dense, wide riparian woodlands and forest with well-developed understories. Current distribution includes the South Fork Kern River and the upper Sacramento River.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
</tr>
<tr>
<td>White-tailed kite (nesting) <em>(Elanus leucurus)</em></td>
<td>State: DFG protected and fully protected species</td>
<td>Biologists observed species foraging on site, but confirmed species did not nest on site in 2007. Low potential to nest on site based on range and elevation of the suitable habitat. Would have been observed during surveys if nesting since nests are conspicuous and young are easily detectable due to their coloration. Open grasslands, agriculture, wetlands in proximity to water for foraging; savanna-like habitats, oak woodlands, riparian for nesting. Current distribution includes coastal and valley lowlands up to western Sierra foothills. Elevation is sea level to western Sierra foothills and CNDDB records up to 2,100 feet.</td>
<td>Potential impacts to species could occur.</td>
</tr>
<tr>
<td>Yellow warbler (nesting) <em>(Dendroica petechia brewsteri)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. High potential to nest on site. Observed during the breeding season. Likely nesting on site. Nests in lowland and foothill riparian woodlands dominated by cottonwoods, alders, and willows; winters in a variety of habitats.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Yellow-breasted chat (nesting) <em>(Icteria virens)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. High potential to nest on site. Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush. Found up to approximately 4,800 feet in valley foothill riparian.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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</tr>
<tr>
<td>Yellow-headed blackbird (nesting) <em>(Xanthocephalus xanthocephalus)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site, but nesting not confirmed. Moderate potential to breed on site. Nests in fresh emergent wetland with dense vegetation and deep water, often along lakes and ponds at all elevations.</td>
<td>No potential impacts. No suitable habitat present in the DWR Swap Site.</td>
</tr>
<tr>
<td><strong>Mammals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American badger <em>(Taxidea taxus)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site. Dry, open treeless areas, grasslands, coastal sage scrub. Uncommon, permanent resident found throughout most of the state.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Pallid bat <em>(Antrozous pallidus)</em></td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Rocky outcrops, cliffs, and crevices with access to open habitats for foraging. Lowlands, however, range map shows all elevations. Throughout California except for the high Sierra Nevada from Shasta to Kern counties.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Ringtail <em>(Bassariscus astutus)</em></td>
<td>State: DFG protected and fully protected species</td>
<td>Low potential to occur on site. Mixed forests and shrublands near rocky areas or riparian habitats, usually near water. Throughout California, particularly foothill and mountainous regions, where suitable habitat occurs. Present at all elevations.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>San Diego black-tailed jackrabbit <em>(Lepus californicus bennettii)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observed on site as black-tailed jackrabbit. San Diego subspecies may occur on site. Arid habitats with open ground; grasslands, coastal sage scrub, agriculture, disturbed areas, rangelands. Full species occurs throughout state. The subspecies occurring on site may be <em>L. c. bennettii</em>.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
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<td>Potential Impacts in the DWR Swap Site</td>
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</tr>
<tr>
<td>Spotted bat (Euderma maculatum)</td>
<td>Federal: BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Arid deserts and grasslands through mixed conifer forests; roosts in cliffs, feeds over water and along washes. Range includes foothills, mountains, and desert regions.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Townsend’s big-eared bat (Corynorhinus [Plecotus] townsendii)</td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Mesic habitats, gleans from brush or trees or feeds along habitat edges. All elevations except alpine and subalpine.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Western mastiff bat (Eumops perotis californicus)</td>
<td>Federal: BLM sensitive State: State Species of Special Concern</td>
<td>Moderate potential to occur on site. Roost habitat appears limited. May forage on site. While not detected on site, presumed present. Roosts in small colonies in cracks and small holes, seeming to prefer man-made structures. Range includes San Joaquin Valley.</td>
<td>Potential indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Reptiles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coast horned lizard (Phrynosoma coronatum)</td>
<td>Subspecies frontale: Federal: BLM sensitive Subspecies blainvillii: Federal: USFS sensitive State: State Species of Special Concern</td>
<td>Observed on site. Coastal sage scrub, annual grassland, chaparral, oak and riparian woodland, coniferous forest. Ranges throughout central California from near sea level to 8,000 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Common Name (Scientific Name)</td>
<td>Status</td>
<td>Comments</td>
<td>Potential Impacts in the DWR Swap Site</td>
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</tr>
<tr>
<td>Coast patch-nosed snake <em>(Salvadora hexalepis virgultea)</em></td>
<td>State: State Species of Special Concern</td>
<td>High potential to occur on site due to suitable habitat and range. Chaparral, washes, sandy flats, rocky areas. May take refuge in bushes, rock crevices, and burrows of other animals. Sea level to 7,000 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>San Joaquin whipsnake <em>(Masticophis flagellum ruddocki)</em></td>
<td>State: State Species of Special Concern</td>
<td>Observations not confirmed, but presence assumed due to presence of suitable habitat and range documented for this region. Extends from Arbuckle to the Grapevine in Kern County westward into inner South Coast Ranges at elevations below 3,000 feet. Only a small portion of the site is at or below this elevation. Open, dry vegetative associations with little or no tree cover. Occurs in valley grassland and saltbush scrub associations.</td>
<td>No potential impacts. Species occurs at elevations lower than the DWR Swap Site.</td>
</tr>
<tr>
<td>Silvery legless lizard <em>(Anniella pulchra pulchra)</em></td>
<td>Federal: USFS sensitive State: State Species of Special Concern</td>
<td>Observations not confirmed, but presence assumed due to presence of suitable habitat and range documented for this region. Loose soils (sand, loam, humus) in coastal dune, coastal sage scrub, woodlands, and riparian habitats. Occurs in scattered locations in the San Joaquin Valley including the Tehachapi Mountains and the east slope of the Peninsular Ranges.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
<tr>
<td>Two-striped garter snake <em>(Thamnophis hammondii)</em></td>
<td>Federal: USFS sensitive; BLM sensitive State: State Species of Special Concern</td>
<td>Observed on site. Streams, creeks, pools, streams with rocky beds, ponds, lakes, vernal pools. Usually found in the immediate vicinity of permanent or semi-permanent sources of water. South Coast and Transverse Ranges up to 8,000 feet.</td>
<td>Potential direct and indirect impacts to species could occur.</td>
</tr>
</tbody>
</table>
## County of Kern
### Final Environmental Impact Report

**Tejon Mountain Village Specific and Community Plan**

### Chapter 7. Responses to Comments

#### Common Name

<table>
<thead>
<tr>
<th>Common Name (Scientific Name)</th>
<th>Status</th>
<th>Comments</th>
<th>Potential Impacts in the DWR Swap Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes:</td>
<td></td>
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</tr>
</tbody>
</table>

**Federal:**

- USFWS  U.S. Fish & Wildlife Service
- BLM    Bureau of Land Management
- USFS   U.S. Forest Service

**State:**

- CDF    California Department of Forestry and Fire Protection

#### Notes:

- Federal:
  - USFWS U.S. Fish & Wildlife Service
  - BLM Bureau of Land Management
  - USFS U.S. Forest Service

- State:
  - CDF California Department of Forestry and Fire Protection

### Response 4c G.

Please refer to the Response 4c-F.

### Response 4c H.

Please refer to the Response 4c-F.

### Response 4c I.

Please refer to the Response 4c-F.

### Response 4c J.

The Department of Water Resources (DWR) correctly quotes the text of the Draft EIR (see Section 4.4, BIOLOGICAL RESOURCES, page 4.4-76).

### Response 4c K.

Commentor requests that clarifications be made to Figure 4.4-13 of the Draft EIR to specifically detail the Beartrap Turnout with the access road and include the DWR parcel on the figure legend.

The DWR parcel is shown on Figures F-1 and F-2 in Appendix E-1 to the Draft EIR, on page F-3. In Appendix B-2 to the Draft EIR, Figure 3 (page 7) shows the biological resources on the DWR parcel and the direct impacts that would occur as part of the proposed turnout facility and pipeline. Also, the proposed turnout facility and pipeline are discussed in detail in Section 4.16, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR. Figure 4.16-12 of the Draft EIR (page 4.16-11) shows the proposed California aqueduct turnout facility and pipeline. The Emergency Vehicle Access Road located on the DWR parcel is discussed on page 3-37 of the Draft EIR and shown in Figure 3-14 of the Draft EIR (page 3-38).

Appendix E-1 of the Draft EIR (pages F-1 through F-16) provides supplemental information regarding site-specific conditions within the area where the Tejon Castac Water District (TCWD) would construct certain turnout and pipeline improvements.

Please also refer to the Response 4c-F, above.
Response 4c L.

Commentor correctly summarizes the text of the Draft EIR at pages 4.4-99, 4.4-101, and 4.4-107.

Response 4c M.

Commentor states that the Draft EIR does not differentiate the off-site infrastructure impacts associated with the Beartrap and Pipeline Improvement Project from other off-site improvement impacts and that it is unclear if the work proposed for the Beartrap Turnout and Pipeline Improvement would have impacts. DWR requests that any impacts associated with the Beartrap Turnout and Pipeline Improvement Project be detailed in the Draft EIR due to the importance of water supply to the Project and the need for detailed environmental documentation for turnout authorization.

In Section 3.5.2, PROPOSED PROJECT BACKBONE INFRASTRUCTURE, of the Draft EIR, the Beartrap Turnout and Pipeline Improvement Project is described as a component of the proposed Project. Therefore, impacts identified associated with the proposed Project described in Section 4.4, BIOLOGICAL RESOURCES, pertain to the entire Project and include the Beartrap Turnout and Pipeline Improvement Project component. Please also refer to Response 4c-F, above.

Response 4c N.

The comment letter submitted by the DWR states that the Draft EIR does not describe the Beartrap Turnout and Pipeline Improvement Project in the Project description. However, in Section 3.5.2, PROPOSED PROJECT BACKBONE INFRASTRUCTURE, the Beartrap Turnout and Pipeline Improvement Project is described as follows:

Potable Water Supply and Distribution

The Project’s potable water supply would be provided by Tejon Castac Water District (TCWD) through an existing turnout facility (or connection stub) located at mile 298.65 of the California Aqueduct. The turnout facility would be refurbished and enhanced to include a valve vault, a meter vault, a discharge structure, and power for lighting, ventilation, and operation of the meter and the valve. A 30-inch-diameter pipe would extend for approximately 2,420 linear feet from the turnout to transport water to the Project’s proposed water treatment facilities. The proposed turnout facility and pipeline are discussed in more detail in Section 4.16, “Utilities and Service Systems” and Appendix B-2.

TCWD’s existing service area includes a portion of the Tejon Mountain Village Project site. TCWD would apply to the Kern County LAFCO to expand its service area to include the entire Project area. This EIR considers potential impacts associated with the refurbishment and construction of additional facilities at the California Aqueduct turnout, including the proposed 30-inch pipeline, and approval of the TCWD service area expansion by the Kern County LAFCO.

The Project’s potable water would be delivered by TCWD from its State Water Project and water banking supplies (see Section 4.16, “Utilities and Service Systems”). Raw water would be transported from the aqueduct turnout to an onsite water treatment plant that would be constructed and operated to meet all applicable Safe Drinking Water Act and State Department of Health Services potable water standards and regulations. The treatment plant would be expanded in phases to meet Project demand.

Due to terrain, the geographic extent of development, the phasing of development over time, and elevation differences across the site, multiple pressure zones and a series of potable water storage tanks would be required within the Project area. Pressure zones would be interconnected for system reliability.
through booster pumps or pressure-reducing stations. Distribution pipelines have been sized to meet anticipated maximum day, peak hour, and fire flow requirements, and would generally follow the internal roadway system. Potable water would be pumped from the onsite treatment plant into each pressure zone.

Figure 3-16 identifies the Tejon Mountain Village Project’s proposed potable water system backbone infrastructure. The location of facilities may deviate from the conceptual plan due to site-specific physical constraints and land use considerations. In addition, smaller interim facilities may be appropriate for initial Project phase(s).

DRAFT EIR at 3-38.

DWR correctly summarizes the text of the Draft EIR with respect to the contents of Table 4.4-155. Please also refer to Response 4c-F, above.

**Response 4c O.**

Commentor requested that the specific impacts associated with the Beartrap Turnout and Pipeline Improvement Project be identified in Draft EIR Table 4.4-155 separately from the total acres of impacts within the development envelope and off-site infrastructure.

Please refer to Response 4c-F for a complete response regarding the request to specifically list acreage associated with the Beartrap Turnout and Pipeline Improvement project in Draft EIR Table 4.4-155.

**Response 4c P.**

Commentor states that Table 4.16-4 states the Total TCWD Demand for the year 2023 as 4,210.

**Response 4c Q.**

Commentor states that Table 4.16-4 incorrectly states the Total TCWD Demand for the year 2023 as 4,210, rather than the correct figure of 4,102. Table 4.16-4 of the Draft EIR has been revised to reflect this correction. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for the revised Table 4.16-4.

Table 4.16-4 has been corrected as specified in the comment, as follows:
Page 4.16-15

Table 4.16-4. TCWD Average-Year Supply and Demand Analysis (acre-feet)

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
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<tr>
<td><strong>Recycled Water and State Water Project Supplies</strong></td>
<td></td>
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<tr>
<td>Recycled Water</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
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<tr>
<td>State Water Project Table A (63% in 2008, 66% in 2028, and interpolated for other years from State Water Project Reliability Report)</td>
<td>3,325</td>
<td>3,365</td>
<td>3,404</td>
<td>3,444</td>
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<tr>
<td><strong>Subtotal Supplies</strong></td>
<td>4,483</td>
<td>4,523</td>
<td>4,562</td>
<td>4,602</td>
<td>4,641</td>
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**Demands**

<table>
<thead>
<tr>
<th>Area</th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
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<tbody>
<tr>
<td>Tejon Industrial Complex Service Area</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
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<tr>
<td>Tejon Mountain Village Service Area</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
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<td>Other District Operations</td>
<td>100</td>
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</tr>
<tr>
<td><strong>Total TCWD Demands</strong></td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
<td>4,210</td>
<td>4,102</td>
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</table>

**Water Banking Surplus (extraction)**

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<th>2023</th>
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<td></td>
<td>381</td>
<td>421</td>
<td>460</td>
<td>500</td>
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</tbody>
</table>

Source: TCWD, Water Supply Assessment, Appendix N-1.

Response 4c R.

Commentor states that under the heading "Department of Water Resources" on page 8-2 of the Draft EIR, the names of two DWR representatives are misspelled as "Craig Trambley" and "Karen Jolson". DWR notes that the correct spellings are "Craig Trombly" and "Karen Joelson".

Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for the revised text. Specifically, page 8-2 has been revised as follows:

Page 8-2

California Department of Water Resources

Craig Trombly

Gwen Knittweis

Karen Joelson

Lincoln King
Response 4c S.

This comment notes that DWR has contractually allocated the SWP's maximum delivery capacity of 4.2 million acre-feet per year to each of the system's contractors.

Response 4c T.

Comment identifies new language to be included in the second paragraph of Section 3.1.1 (page 12) of the water supply assessment regarding the background of the State Water Project and water allocations.

Comment noted; identified language will be substituted for the applicable text in the Final EIR. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Response 4c U.

The commentor noted that the water pressure from the Beartrap Turnout may be variable. This comment is noted. The water supply system will be operated to accommodate potential water pressure variability at the Turnout. Please see Response to Comment 4c-V which discusses the Project's on-site reserve water supplies.

Response 4c V.

The commentor noted that there may be periods of time where the Edmonston Pumping Plant may be shut down or have reduced operations, and therefore Tejon Mountain Village’s supplies of water must be sufficient to accommodate interruptions of State Water Project Water delivered to the Project site. As an initial matter, as described in the Draft EIR, the Project water supply includes a seven-year indoor potable water supply stored in water banks, and this water will remain available to supply the Project in the event of even a multi-year period of State Water Project unavailability. Commentor is correct that this water must also be transported from the water banks to the Project site, and there may be periods of interrupted delivery of water to the Project site from the Edmonston Pumping Plant. To address this short-term water delivery interruption scenario, Mitigation Measure 4.16-3 requires the applicant to verify that sufficient water storage capacity exists or will be constructed as may be required to assure that at least a 3-day emergency period water consumption supply, as well as local fire suppression supply in compliance with applicable fire code provisions, must be available onsite to serve all occupied structures prior to approval of each tentative tract map or development of any commercial site. This also allows flexibility to require other measures, if or as warranted, to address temporary interruptions in water supply delivery from the Edmonston Pumping Plant, including for example demand management measures such as cessation of outdoor irrigation, managed water deliveries to occupied rather than idled residential units in this resort community, use of onsite water storage, transportation of water to the Project site by other means, and other short-term water conservation strategies.

Response 4c W.

Commentor states that a portion of Pastoria Creek will be impacted by the installation of a vault and that the water flowing through the DWR’s parcel will be diverted to dewater the site. The DWR comment letter notes that these impacts will require authorization and approvals from the California Department of Fish and Game and the Regional Water Quality Control Board prior to commencing work.

Impacts to Pastoria Creek associated with the installation of a vault were quantified in the Draft EIR, including diversion of flowing water during construction. Construction-related hydrologic modification is addressed in Section 4.4.4, IMPACTS AND MITIGATION MEASURES. More specifically,
construction-related hydrologic modification is addressed as a potential impact to species-status species (Impact 4.4-1), to riparian or other sensitive natural communities (Impact 4.4-2), to federally protected wetlands (Impact 4.4-3), to wildlife movement (Impact 4.4-4), and to oak resources (Impact 4.4-5). In addition, Mitigation Measure 4.4-32 on page 4.4-132 of the Draft EIR mitigates for potential impacts that may occur if a stream is temporarily diverted.

Section 4.4.3, REGULATORY SETTING, addresses required authorizations and approvals from the California Department of Fish and Game (Draft EIR, page 4.4-7) and the Regional Water Quality Control Board (Draft EIR, page 4.4-69).
Comment Letter 5

State of California

Memo r a n d u m

Date: June 16, 2009

To: State Clearinghouse

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Fort Tejon Area

File No.: 430.9279.9279

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE SCH #
2005101018

A review of the Draft Environmental Impact Report (EIR) for the Tejon Mountain Village by TMV, LLC, has raised several issues. The project site is approximately 26,417 acres located in southwestern Kern County. The proposed site development, which would occur within approximately 7,867 acres of the project site, would include 3,450 residences; up to 160,000 square feet of commercial development, hotel, spa, and resort facilities, which include up to 750 lodging units; and up to 350,000 square feet of facilities in support of two 18-hole golf courses, riding and hiking trails, equestrian facilities, two helipads, fire stations, private community centers, electrical sub-station facilities, permanent and interim water treatment and wastewater treatment facilities and access and utilities to serve the project, and ranchland and other undeveloped open space. My Department’s concern would be the Tejon Mountain Village project’s possible impact related to increased traffic, changes in traffic congestion patterns, additional enforcement demands in unincorporated areas, and additional enforcement demands on adjacent Interstate 5 and it’s on and off ramps. An additional concern would be the impact on CHP Air Operations aerial service and enforcement.

The Draft EIR states Tejon Mountain Village would result in the construction of 3,450 residences, resulting in an increase of approximately 10,671 new residents. Not only would Tejon Mountain Village result in a significant increase in the demands for law enforcement and traffic enforcement services, it would present an additional burden for the surrounding highway system currently in existence. As stated in the EIR, Tejon Mountain Village would result in an increase in traffic from residents, employees, deliveries, visitors, and others, not only on Interstate 5, but on adjoining on and off ramps and county roads, especially considering other proposed projects in the area. The Interstate 5 on and off ramps and surrounding county roads, in their current condition, are insufficient to accommodate the proposed increase in vehicle traffic in a safe and efficient manner. The Interstate 5 on and off ramps are single lane ramps, controlled by posted stop signs. All adjacent roads are two (2) lane undivided highways.

Safety, Service, and Security

CHP 511WP (Rev. 11-96) CR 276
State Clearinghouse
Page 2
June 16, 2009

It is imperative that Mitigation Measures be implemented to insure the safe and efficient flow of traffic, and to minimize any possible reductions in Department service due to the Tejon Mountain Village, i.e., increased response times, etc.

Should you have any questions, please feel free to contact me at (661) 248-6655.

J.R. ODOM, Lieutenant
Commander

cc: Special Projects Section
Central Division

5-F
Comment Letter 5. Department of California Highway Patrol (June 16, 2009)

Response 5 A.

Thank you for your comment. The comment from the Department of California Highway Patrol (CHP) states that CHP has reviewed the Draft EIR, and accurately describes the proposed Project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 5 B.

The comment states that CHP is concerned with the Project's possible impacts related to increased traffic, changes in traffic congestion patterns, additional enforcement demands in unincorporated areas and Interstate 5, and impacts on CHP air operations.

In response to concerns regarding traffic, Kern County, as Lead Agency agrees that the proposed Project will have potential impacts to traffic safety along the I-5 corridor and existing intersections, including on and off ramps. A traffic evaluation was performed for the proposed Project to analyze potential traffic impacts. Please see Section 4.15 of the Draft EIR and the Revised Traffic Impact Report, included as modified Appendix M-1 to the EIR and as described in Section 7.2. As such, mitigation has been proposed that will require roadway improvements to be implemented prior to issuance of building permits and approval of proposed tentative tract maps, parcel maps, and commercial site development plans.

Despite the proposed mitigation measures, cumulative impacts are still considered significant and unavoidable. Please see Section 4.15 and Section 7.2 of the EIR for a complete list of the proposed mitigation measures regarding traffic.

In response to concerns regarding law enforcement demands, Section 4.13, PUBLIC SERVICES, beginning on page 4.13-19, contains a detailed analysis of the Project's impacts on law enforcement services and proposes Mitigation Measures 4.13-9, 4.13-10 and 4.13-11 to reduce those impacts to a less than significant level. Specifically, the Project proponent will be required to provide a minimum 100-square-foot office facility within the proposed public access areas of the Project site. This facility will be utilized by the Kern County Sheriff Department indefinitely, or until such time as the Sheriff Department indicates in writing that the onsite facility is no longer required. Additionally, upon issuance of the first building permit, the Project proponent will be required to fund the cost of an additional Sheriff's Deputy (Deputy 2 C-A) until such time as the property tax revenue generated from the Project fully compensates for the added position. The Project also will be required to provide funding on a fair-share basis throughout the course of site development. This funding will contribute towards the costs associated with construction of future Sheriff Department facilities in mountain communities. The Project will also provide additional telecommunication towers to improve emergency communications within the Project site and within the larger area. Finally, the Project will pay for its own security personnel within the residential Project areas, resulting in a lesser demand for routine patrols by law enforcement services in comparison to projects that do not fund such security services. Additional sheriff personnel and facilities, and enhanced emergency communications, will mitigate Project impacts to law enforcement services.

With implementation of the proposed mitigation measures, Kern County, as Lead Agency, considers impacts to police services to be less than significant. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
In response to the commenter's concerns regarding air operations, it is noted for the record that all air operations associated with the Project are subject to Federal Air Administration rules and regulations. The Project will comply with all FAA requirements and regulations. The Project also includes an existing helipad that is made available for CHP use as necessary. As part of the proposed Project, new helipads would be constructed on the Project site, one adjacent to the existing fire station near Interstate 5 and the other near the eastern end of Castac Lake along Lake Drive. The helipads would be used primarily for medical evacuation or in the event of other emergencies, and the CHP could also utilize these new helipads for emergency use.

Response 5 C.

Commentor notes that the Project would increase demands for law enforcement and traffic enforcement services, and would also impact the existing highway system. Please see Response 5-B.

Response 5 D.

Commentor states that the Project, and other projects proposed in this area, would increase traffic from residents, visitors, employees and others on I-5 as well as adjacent ramps and local roads. Please see Response 5-B.

Response 5 E.

Commentor notes that I-5 on and off ramps, and surrounding County roads, are insufficient in their current condition to accommodate Project traffic safely and efficiently. The comment goes on to accurately describe the current configuration of the on and off ramps, and local roads. Section 4.15 of the Draft EIR included several mitigation measures to address impacts to local I-5 on ramps and off ramps, and to local roads. In response to comments, these mitigation measures have been expanded as addressed in the Revised Traffic Impact Report (Revised TIS, included as modified Appendix M-1 to the EIR as described in Section 7.2) and in Revisions to Section 4.15, TRANSPORTATION AND TRAFFIC. More extensive monitoring is also required relative to the monitoring proposed in the Draft EIR. The use of further traffic studies is appropriate to address the specific timing of traffic impacts that occur earlier (or later) than anticipated. Finally, the level of service (LOS) triggers requiring completion of designated mitigation measures have been added for each intersection and interchange traffic mitigation measure as discussed in Section 7.2. There are no new significant environmental impacts resulting from any of these traffic mitigation measures, as described further in Section 7.2.

Response 5 F.

The Commentor states that it is "imperative that Mitigation Measures be implemented to insure the safe and efficient flow of traffic, and to minimize any possible reductions in Department service" based on the Project such as increased response times. Please see Response to Comment 5-B. This comment is also noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.
Comment Letter 6

State Water Resources Control Board

Division of Financial Assistance
1001 I Street, Sacramento, California 95814 • (916) 341-5700
Mailing Address: P.O. Box 942126 Sacramento, California 94212-0100
FAX (916) 341-5707 • http://www.waterboards.ca.gov

JUL 7 2009

Linda S. Adams
Secretary for Environmental Protection

Mr. Craig M. Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Murphy:

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR KERN COUNTY (COUNTY); TEJON MOUNTAIN VILLAGE (PROJECT); STATE CLEARINGHOUSE NO. 2005101018

We understand the County is not pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. The County may want to consider the CWSRF Program to provide funding for future construction. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the California Environmental Quality Act (CEQA) document prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering CWSRF funds. The primary purpose for the CWSRF Program is to implement the Clean Water Act, and related state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, and provide for estuary enhancement, and thereby protect and promote health, safety and welfare of state inhabitants. The CWSRF Program provides low-interest funding equal to one-half the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board CWSRF website at: www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

The CWSRF Program is partially funded by the U.S. Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three information sheets are included that further explain the environmental review process and additional federal requirements in the CWSRF Program. In addition, an environmental form is included for the County to submit should it pursue State Water Board funding. The State Water Board can consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF funding commitment for the proposed Project. For further information on the CWSRF Program environmental compliance process please contact Ms. Michelle L. Jones at (916) 341-8983.

It is important to note that prior to a CWSRF funding commitment, projects are subject to provisions of the federal Endangered Species Act and must obtain approval from the U.S. Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species.

California Environmental Protection Agency

Final Environmental Impact Report 7-352 August 2009
Tejon Mountain Village Specific and Community Plan
Comment Letter 6, Cont.

Mr. Craig M. Murphy

-2-

JUL 7 2009

Please be advised that the State Water Board can consult with USFWS, and/or NMFS on behalf of the County regarding all federal special status species the Project has the potential to impact. The County will need to identify whether the Project will involve any direct effects from construction activities or indirect effects, such as growth inducement, that may affect federally-listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106, and the State Water Board’s Cultural Resources Officer (CRO) consults directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant for projects having potential impacts to cultural resources. Please contact CRO Ms. Cookie Hill at (616) 341-5890 to find out more about the requirements, and to initiate the Section 106 process, as applicable.

Native American and Interested Party Consultation is required for Section 106 compliance:

- A Project description and map should be sent to the Native American Heritage Commission (NAHC). The NAHC will provide a list of Native American tribes and individuals that are culturally affiliated with your Project area and recommend that they all be contacted.

- A Project description and map should be sent to everyone on the list provided by the NAHC, asking for information on the Project area.

- Similar letters should be sent to local historical organizations.

- Follow-up contact should be made by phone if possible and a phone log should be included.

- Comments from the NAHC, local tribes and historical organizations affiliated with the Project area, as well as the County response to these comments should be included in the submittal to the CRO.

Following are specific comments on the County’s Draft EIR:

1. Page 3-39 states “All facilities would be constructed in accordance with TCWD [Tejon Castac Water District] and Kern County Health Department design requirements.” Please clarify the TCWD and Kern County Health Department design requirements that will be utilized by the Project.

2. Page 3-39 states “In certain lower density areas, a septic tank (non-leach field) effluent pumping (STEP) system using low-pressure sewer may be utilized. For lots larger than 20 acres, alternative systems that meet applicable health and safety requirements may be utilized.” Clarify the ‘alternative systems’ that may be utilized for lots larger than 20 acres.

3. On page 3-38 under “Wastewater Collection and Reclamation” a brief description of the wastewater collection system is provided, but no detailed information on the wastewater treatment facility is included.
Page 3-48 states "The Tejon Mountain Village Specific Plan and Community Plan divides the proposed Project into six individual phasing areas, each of which may be developed independently and in any order, partially or completely, in response to market conditions." Please clarify if the wastewater collection and reclamation facility is going to be further addressed in greater detail in a later phase of the Project, if not please provide detailed information on the processes and components of the wastewater collection and reclamation facilities.

4. Air Quality mitigation measure 4.3-1 on page 4.3-105 states:

"Prior to issuance of any building permit, the applicant shall submit evidence, verified by the SJVAPCD [San Joaquin Valley Air Pollution Control District], specific to any portion of site development, that the residential and/or commercial development has a total project construction and operations mitigated baseline below 2 tons per year for NOx [nitrogen oxides] (total project construction and operations) and a mitigated baseline below 2 tons per year for PM10 [particulate matter 10 microns or less in diameter] emissions (total project construction and operations) within the SJVAB [San Joaquin Valley Air Basin]. Required reductions can be achieved from any combination of project design, compliance with the ISR [Indirect Source Rule], and/or a DMC [Development Mitigation Contract] or VERA [Voluntary Emission Reduction Agreement]. If a DMC/VERA is utilized, a copy of the executed agreement and implementing reports shall be provided to the Planning Department to substantiate compliance. As there still could be unmitigated emissions of ROG [reactive organic gases] under this mitigation measure, participation in any air mitigation program adopted by Kern County that provides equal or more effective mitigation than this mitigation measure can be utilized as a replacement for the requirements of this mitigation measure."

CEQA Guidelines, Section 15126.4(b) states "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time." The above listed mitigation measure states that future mitigation measures not analyzed may be implemented to replace Air Quality mitigation measure 4.3-1. The County must state and describe the optional mitigation measures that may be used in place of Air Quality mitigation measure 4.3-1, and can not defer mitigating Project impacts to a future time.

Please note that mitigation measures must include specific feasible actions that will minimize or avoid potential Project related impacts as stated in CEQA Guidelines, Section 15370. Air Quality mitigation measure 4.3-1 is not a specific feasible action. Stating total Project construction and operations will be mitigated below the 2 tons per year baseline for PM10 and NOx, and that required reductions can be achieved from any combination of project design, compliance with the ISR, and/or a DMC or VERA is not a specific feasible action.

The County needs to correct Air Quality mitigation measure 4.3-1 to comply with CEQA Guidelines. Also please make this change for all mitigation measures used by the Project to mitigate Project related impacts.
Comment Letter 6, Cont.

Mr. Craig M. Murphy

Thank you once again for the opportunity to review the County’s Draft EIR. If you have any questions or concerns about the State Water Board environmental compliance process please feel free to contact me at (916) 341-6983, or by email at MJones@waterboards.ca.gov, or Parker Thaler at (916) 341-7388, or PThaler@waterboards.ca.gov.

Sincerely,

Michelle L. Jones
Environmental Scientist

cc: State Clearinghouse
(Re: SCH# 2005101018)
P. O. Box 3044
Sacramento, CA 95812-3044

Steve Popenoe, P.E.
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
1685 E Street, Fresno, CA 93706

California Environmental Protection Agency
Recycled Paper
Comment Letter 6, Cont.

Endangered Species

Compliance with Section 7 of the Endangered Species Act

Information Needed from the Applicant:

- List of special status species (both animal and plant) likely or possibly to occur at project site. Note: If none will possibly occur, provide supporting information.

- Any biological assessments or special biological studies that may have been done for the project.

- Other documents that disclose information about the project’s effect on sensitive species.

Protection of Wetlands

Information Needed from the Applicant:

- Identification of whether or not the project or construction activities will impact streams, flood control channels, or wetlands.

Air Quality

Compliance with the Federal Air Quality Act

Information Needed from the Applicant:

- Air quality studies that may have been done for the project.

- For those projects in non-attainment areas or attainment areas subject to maintenance plans:
  - Emission data for each criteria pollutant for which the area has been designated non-attainment or maintenance; and
  - Summary of the emissions that are expected from both the construction and operation of the project for each criteria pollutant in a non-attainment or maintenance area.

- If emissions are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality:
  - Quantitatively indicate how the proposed capacity increase was calculated using population projections.

Floodplain Management

Information Needed from the Applicant:

- Identification of whether or not the project is in a Flood Management Zone and a copy of the Federal Emergency Management Agency flood zone maps for the project area.

Farmland Protection Policy Act

Information Needed from the Applicant:

- Identification of whether or not the proposed project will impact any important farmland or land under Williamson Act control.

Coastal Zone Management Act

Information Needed from the Applicant:

- Identification of whether or not the proposed project is in the Coastal Zone.

6-S cont.
Comment Letter 6, Cont.

If project emissions are below the "de minimis" levels and less than 10% of the emissions inventory for the non-attainment or maintenance area, then:
- Further general conformity analysis is not required.

If project emissions are above the "de minimis" levels:
- A conformity determination for the area must be made.

A conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan (SIP) for air quality. Using population projections, applicants must quantify their description of how the proposed capacity increase was calculated.

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the NHPA requires federal agencies to take into account effects on historic properties caused by federal actions (such as funding SRF projects) and to provide the Advisory Council on Historic Preservation (AICHP) a reasonable opportunity to comment on such undertakings through consultation with the State Historic Preservation Officer (SHPO) and with interested Indian Tribes and individuals.

*USEPA has delegated to the State Water Board the responsibility for carrying out the requirements of Section 106 of the NHPA.

Historic properties include:
- Archaeological sites.
- Historic era buildings.
- Traditional cultural properties.

Starting point for the 106 process:
Applicant’s record search and cultural resource documents prepared for CEQA.

State Water Board’s Cultural Resource Officer (CRO) requires:
- Copies of all original maps and studies for consultation with SHPO.

If your project has the potential to affect historic properties, the consultation process can be quite lengthy. Please contact the CRO early in your planning process to discuss what additional information may be needed for your specific project.

Environmental Review Process Guidelines for State Revolving Fund Loan Applicants document provides additional information on the review process and can be found on the State Water Board’s web site located at:
http://www.waterboards.ca.gov/funding/srf.html

- WHAT - WHY - HOW -

State Water Resources Control Board
Division of Financial Assistance
November 2005

6-S cont.
WHAT IS CEQA-PLUS?

The SRF Loan Program is partially funded by the U.S. Environmental Protection Agency (USEPA) and subject to federal environmental regulations, including the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and the Generic Conformity Rule for the Clean Air Act (CAA), among others. Federal agencies have their own policies on how they comply with federal environmental laws. Instead of the National Environmental Policy Act (NEPA), USEPA has chosen to use the California Environmental Quality Act (CEQA) as the compliance basis for California’s SRF Loan Program, in addition to compliance with ESA, NHPA and CAA. Collectively, the State Water Board calls these requirements CEQA-Plus. Additional federal regulations also may apply.

Lead Agency: The Applicant

Duties:

- Prepare, circulate and consider the environmental documents prior to approving the project.
- Provide the State Water Board with eight (8) copies of the applicant's CEQA documents.

Responsible Agency: State Water Board, Division of Financial Assistance

Duties:

- Acting on behalf of USEPA, review and consider the CEQA documents before approving the project's funding.
- Make findings as to the adequacy of the documents and require additional studies or documentation, as needed.
- Distribute the applicant’s CEQA documents to selected federal agencies for review and comment before making a determination on adequacy. (This distribution is in addition to the standard State CEQA review distribution under CEQA.)
- The applicant must address all comments by federal agencies before funding is approved.

ENDANGERED SPECIES ACT

Non-federal Representative (for all wastewater and water reclamation projects in California that involve an SRF loan):

State Water Board

State Water Board - Environmental Services Staff (ES) reviews SRF projects to determine potential effects on federally listed species.

Applicant Duties:

- At the earliest possible date, provide ES with:
  - Species lists
  - Biological assessments
  - Other documents related to project effects on sensitive species.

- Notify ES early during the planning process of any issues regarding sensitive species.

ES Duties:

- Confer informally with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS), as necessary.
- Evaluate and inform USFWS/NMFS of project impacts to federally listed species.
- Ask USEPA to request formal consultation if ES, in conjunction with USFWS/NMFS, determines that a project will adversely affect a federally listed species.

USEPA will act as the lead agency in the formal consultation process. In response to a formal request from USEPA, USFWS/NMFS may have up to 90 days to prepare a biological opinion. The process can last 135 days or longer.

CLEAN AIR ACT

CAA general conformity analysis applies only to projects in areas:

- Not meeting National Ambient Air Quality Standards (NAAQS).
- Subject to a maintenance plan.
- An analysis is necessary for each criteria pollutant below for which an area is considered as being in nonattainment or maintenance:
  - ozone
  - carbon monoxide
  - lead
  - nitrogen dioxide
  - sulfur dioxide
  - inhalable particulate matter
STATE WATER RESOURCES CONTROL BOARD
CEQA AND STATE WATER BOARD GRANTS

Environmental Requirements for State Water Board Grants

The State Water Resources Control Board (State Water Board) distributes funding through various grants, including Propositions 13, 40, 50, Water Recycling, Small Community Grants and others. Applicants seeking funds are required to comply with the California Environmental Quality Act (CEQA), and provide documents for the State Water Board’s environmental review process.

GRANT FUNDING

State Water Board grants are subject to CEQA. The State Revolving Fund Loan program has additional federal requirements described in the SRF & CEQA-Plus pamphlet.

LEAD AGENCY

The applicant is usually the Lead Agency and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project.

RESPONSIBLE AGENCY

The State Water Board is a Responsible Agency and must review and consider the environmental document prior to providing funding to any portion of a project.

As the Responsible Agency, the State Water Board must make findings based on information provided by the Lead Agency before granting “environmental clearance” for the project. The Lead Agency must adhere to the CEQA process and provide detailed information about any potential adverse or beneficial environmental impacts resulting from the project.

STATE WATER BOARD RESPONSIBILITIES

The State Water Board’s mission is to preserve, enhance and restore the quality of California’s water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations as a Responsible Agency under CEQA, the State Water Board must consider the Lead Agency’s environmental document before providing funding.

ENVIRONMENTAL CLEARANCE

Environmental clearance must be done before a project can be funded. For Small Community Wastewater grants and Water Recycling Funding Program grants, environmental clearance must be received before a Facilities Plan Approval is issued by the State Water Board for a project.

DOCUMENT REVIEW

The State Water Board would like to review documents as early in the process as possible. Send environmental documents to the State Water Board, Regional Programs Unit during the CEQA public review period. Be sure to identify yourself as a grant applicant. This way, any environmental concerns the State Water Board has about the project can be addressed early in the process.

REQUARED DOCUMENTS

The Regional Programs Unit must have the documents listed below to provide environmental clearance:

1. Draft and Final Environmental Documents – Environmental Impact Reports, Negative Declarations, CEQA exemptions;
2. Resolution approving the project, adopting the environmental document and making CEQA findings;
3. All comments received during the public review period and your responses to those comments;
4. Adopted Mitigation Monitoring Plan, if applicable; and
5. Notice of Determination filed with the Governor’s Office of Planning and Research.

Once the State Water Board has received all documents, considered them and found them adequate, environmental clearance for the funding can be granted.

CONTACT INFORMATION

For more information, please contact the Division of Financial Assistance, Loans and Grants at (916) 341-5700.

November 2008
Comment Letter 6, Cont.

INSTRUCTIONS AND GUIDANCE FOR
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

Detailed information, including statutes and guidelines on the California Environmental Quality Act (CEQA), can be obtained at [http://ceqa.ca.gov/ceqa](http://ceqa.ca.gov/ceqa). A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at [http://ceqa.ca.gov/ceqa/pol/ceqaflowchart/index.html](http://ceqa.ca.gov/ceqa/pol/ceqaflowchart/index.html). In addition, State Water Board environmental staff is available to answer questions about the CEQA process. Please contact your assigned Project Manager to be directed to an appropriate environmental staff person for further clarification.

CEQA Checklist:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because the State Water Board is providing discretionary approval for that funding.

The types of CEQA documents that might apply to an applicant's project include one of the following: 1. Notice of Exemption; 2. Initial Study/Negative Declaration (or Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program [MMRP]); or 3. Environmental Impact Report (EIR) with an MMRP. The applicant must determine the appropriate document for its project and submit the additional supporting information listed under the applicable section of the CEQA Checklist. Please submit two copies of all documents. If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated document based on the results of that re-evaluation.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Tier I CEQA documents, such as Program or Master Plan EIRs, may not be suitable for satisfying State Water Board requirements if these documents are not project-specific. Instead, the applicant should be submitting a Tier II CEQA document that is project-specific. If this Tier II CEQA document references pertinent environmental and mitigation information contained in the Tier I CEQA document, then the applicant must submit both documents. [NOTE: Tier I and Tier II documents refer to documents as defined under CEQA. Although the same terminology is used, these documents do not relate to the Tier I and Tier II level of reviews under the CWSRF Program.]

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations, however, shall only be responsible for approving the applicable project mitigation measures identified in the MMRP. For purposes of State Water Board funding, all public agencies applying for this funding shall file either a Notice of Exemption or a Notice of Determination with the Governor’s Office of Planning and Research (State Clearinghouse). Stamped copies of those notices shall be submitted with the rest of the environmental documents.

If the CEQA document is linked to a National Environmental Policy Act (NEPA) document (such as an Environmental Assessment or an Environmental Impact Statement), then the applicant shall submit the additional corresponding NEPA items with either a Finding of No Significant Impact, or a Record of Decision made by the lead agency under NEPA.
Comment Letter 6, Cont.

Clean Water SRF Program
Environmental Compliance

Note that additional information may be requested from the applicant after review of all the environmental documents to ensure the State Water Board can complete its own CEQA compliance.

Federal Information:

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board. For the items that follow the CEQA Checklist, the applicant shall provide the information and/or reference any applicable sections from the documents being submitted to assist with environmental staff's CEQA review, as well as to provide applicant guidance on any potential concerns, and to assist with federal coordination as needed.

1. Federal Endangered Species Act (ESA), Section 7:


Note that compliance with both state and federal ESA is required of projects having the potential to impact special status species. Although overlap exists between the federal and state ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, go to http://www.dfg.ca.gov/habcon/oesa/.

2. National Historic Preservation Act, Section 106:

The NHPA focuses on federal compliance. In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The “CEQA and Archeological Resources” section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources File System Information Center. In addition, the Native American Heritage Commission (NAHC) will provide a list of Native American tribes to be contacted and that are culturally affiliated with a project area.

The NAHC can be contacted at:

915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4082

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Comment Letter 6, Cont.

Clean Water SRF Program
Environmental Compliance

3. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its air quality management district and review the State Air Resources Board California air emissions map for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the environmental staff person through the assigned Project Manager.

4. Coastal Zone Management Act:

For affected areas, refer to http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf. For additional information please refer to http://www.coastal.ca.gov/ccato.html and/or http://www.bcde.ca.gov.

5. Farmland Protection Policy Act:


6. Floodplain Management – Executive Order 11988:

Each agency shall provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain. The agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. For further information, please consult the following web link: http://www.epa.gov/owow/wetlands/regs/eo11988.html.

7. Migratory Bird Treaty Act (MBTA):

The MBTA, along with subsequent amendments to this Act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed in CEQA. The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The treaty allows hunting of certain game bird species, for specific periods, as determined by federal and state governments. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the following web link: http://www.fws.gov/laws/lawsdigest/migtreah.html.

8. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process is usually through the
Clean Water SRF Program
Environmental Compliance

U.S. Army Corps of Engineers (USACOE), can be lengthy and may ultimately require project alterations to avoid wetlands. Applicants must consult with USACOE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACOE Wetland Delineation Manual is available at: http://www.wetlands.com/regs/fipge02e.htm. Also note that the Water Boards are involved in providing approvals through a 401 Water Quality Certification and/or Waste Discharge Requirements (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

9. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or on a "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at http://www.rivers.gov/wildriverslist.html. Watershed information can be obtained through the "Watershed Browser" at: http://cwp_resources.ca.gov/map_tools.php.

10. Source Water Protection:

For more information, please visit: http://epa.gov/region09/water/groundwater/ssa.html.
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
CHECKLIST FOR THE APPLICANT
What to Submit to your State Water Board’s Project Manager

If project is covered under a CEQA Categorical or Statutory Exemption, submit a copy of the following:
- Notice of Exemption (filed with the Governor’s Office of Planning and Research)
- List of Best Management Practices (BMPs) and their locations, if project implements BMPs
- Map of the project area

If project is covered under a Negative Declaration, submit a copy of the following:
- Draft and Final Initial Study/Negative Declaration
  (or Mitigated Negative Declaration, if applicable)
- Comments and Responses to the Draft
- Mitigation Monitoring and Reporting Program (if using a Mitigated Negative Declaration)
- Resolution approving the CEQA documents
  - Adopting the Negative Declaration
  - Making CEQA Findings
  - Notice of Determination (filed with the Governor’s Office of Planning and Research)

If project is covered under an Environmental Impact Report (EIR), submit a copy of the following:
- Draft and Final EIR
  - Comments and Responses to the Draft
  - Mitigation Monitoring and Reporting Program (MMRP)
- Resolution approving the CEQA documents
  - Certifying the EIR and adopting the MMRP
  - Making CEQA Findings
  - Adopting a Statement of Overriding Considerations for any adverse impact(s) that cannot be
    avoided or fully mitigated if project is implemented
- Notice of Determination (filed with the Governor’s Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement
or EIR/Environmental Assessment), submit the applicable Record of Decision and/or Finding of No
Significant Impact.

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Comment Letter 6, Cont.

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

1. **Federal Endangered Species Act:**
   Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?
   
   □ No. Discuss why the project will not impact any federally listed special status species:
   
   □ Yes. Include information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred with the project.

   Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and a current species list for the project area.

2. **National Historic Preservation Act:**
   Identify the Area of Potential Effects (APE), including construction, staging areas, and depth of any excavation. (Note that the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations.)
   
   Attach a current records search with maps showing all sites and surveys drawn in relation to the project area, and records of Native American consultation.
Comment Letter 6, Cont.

3. **Clean Air Act:** Is the project subject to a State Implementation Plan (SIP) conformity determination?

☐ No. The project is in an attainment or unclassified area.

☐ Yes. The project is in a nonattainment area or attainment area subject to maintenance plans. Include information to indicate the nonattainment designation (e.g. moderate, serious or severe), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

Air Basin Name: ____________________________________

Provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.

Attach any air quality studies that may have been done for the project.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Status (Attainment, Nonattainment or Unclassified)</th>
<th>Threshold of Significance for the Area (if applicable)</th>
<th>Construction Emissions (Tons/Year)</th>
<th>Operation Emissions (Tons/Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon Monoxide (CO)</td>
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<tr>
<td>Ozone (O₃)</td>
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<td>Oxides of Nitrogen (NOₓ)</td>
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<td>Particulate Matter (PM₁₀)</td>
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<td>Particulate Matter (PM₂₅)</td>
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<tr>
<td>Reactive Organic Gases (ROG)</td>
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<tr>
<td>Sulfur Dioxide (SO₂)</td>
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<tr>
<td>Volatile Organic Compounds (VOC)</td>
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</tbody>
</table>

4. **Coastal Zone Management Act:**

Is any portion of the project site located within the coastal zone?

☐ No. The project is not within the coastal zone.

☐ Yes. Describe the project location with respect to coastal areas, and the status of the coastal zone permit:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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5. **Farmland Protection Policy Act:**
Is any portion of the project site located on important farmland?

☐ No. The project will not impact farmland.

☐ Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project site is located within Williamson Act control and the amount of affected acreage:

6. **Flood Plain Management:**
Is any portion of the project site located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

☐ No. Provide a description of the project location with respect to streams and potential floodplains:

☐ Yes. Describe the floodplain, and include a floodplain map and a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would minimize or avoid flood damage by the project:

7. **Migratory Bird Treaty Act:**
Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

☐ No.

☐ Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:
8. **Protection of Wetlands:**
   Does any portion of the project area contain areas that should be evaluated for wetland delineation or require a permit from the U.S. Army Corps of Engineers?
   
   □ No. Provide the basis for such a determination:
   
   □ Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:
   
   6-U cont

9. **Wild and Scenic Rivers Act:**
   Is any portion of the project located within a wild and scenic river?
   
   □ No. The project will not impact a wild and scenic river.
   
   □ Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:
   
   Identify watershed where the project is located:

10. **Source Water Protection:**
    Is the project located in an area designated by the U.S. Environmental Protection Agency, Region 9, as a Sole Source Aquifer?
    
    □ No. The project is not within the boundaries of a sole source aquifer.
    
    □ Yes. Identify the aquifer (e.g., Santa Margarita Aquifer, Scott’s Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer):
BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search must include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.

- The APE is three-dimensional and includes all areas that may be affected by the project. The APE includes the surface area and extends below ground to the depth of any project excavations.

- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but must be drawn large enough to provide information on what types of sites may exist in the vicinity.

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.

- A project description and map should be sent to the Native American Heritage Commission (NAHC) when the applicant requests a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.

- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps must be sent to everyone on the list asking for information on the project area.

- Similar letters should be sent to local historical organizations and other interested parties.

- Follow-up contact should be made by phone, if possible, and a contact log must be included in the report.

REPORT TERMINOLOGY

- A cultural resources report used for Section 106 consultation should use terminology consistent with the NHPA.
Comment Letter 6, Cont.

Basic Criteria for Cultural Resources Reports

- Being consistent with the NHPA does not mean that the report needs to be "filled" with passages and interpretations of the regulations; the SHPO reviewer already knows the law.

- If "findings" are made, they must be one of the four "findings" listed in Section 106. These include:
  "No historic properties affected" (no properties are within the APE, including the below ground APE).
  "No effect to historic properties" (properties may be near the APE but the project will not impact them).
  "No adverse effect to historic properties" (the project may affect historic properties but the impacts will not be adverse).
  "Adverse effect to historic properties." Note: the SHPO must be consulted at this point. If your consultant proceeds on his/her own, his/her efforts may be wasted.

WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of "no known resources" does not mean anything. The consultant's job is to find out if there are resources within the APE or to explain why they are not present.

- "The area is sensitive for buried archaeological resources," followed by a statement that "monitoring is recommended as mitigation." Monitoring is not acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.

- "The area is already disturbed by previous construction." This statement may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.

- No mention of "Section 106." A report that gives adequate information for compliance with the California Environmental Quality Act may not be sufficient to comply with Section 106.

Please contact Ms. Cookie Hirn with any questions on cultural resources reports.

Cookie Hirn
State Water Resources Control Board
Cultural Resources Officer
916-341-5690
MHirm@waterboards.ca.gov
Comment Letter 6. State Water Resources Control Board  
(July 7, 2009)

Response 6 A.

Thank you for your comment. The comment from the State Water Resources Control Board (SWRCB) Division of Financial Assistance is correct in noting that the County is not pursuing Clean Water State Revolving Fund (CWSRF) financing for the Project at this time. The Tejon Mountain Village Project is proposed by Tejon Mountain Village, LLC. This private entity would be responsible for securing all necessary fees and funding associated with development of the site, unless otherwise noted in the DEIR as it relates to public services.

Kern County is the governing body charged with implementing land use within the unincorporated areas of Kern County. As such, the County as lead agency under CEQA, is processing the proposed Tejon Mountain Village Specific and Community Plan Special Planning District and associated land use changes requested by the applicant and is not responsible for financing for the Project.

Response 6 B.

The commentor has identified a variety of requirements that must be met if in the future the County does elect to pursue CWSRF financing for the Project, and has included a pamphlet – "Quick Reference Guide to the California Environmental Quality Act (CEQA)-Plus Requirements for State Revolving Fund Loans," and a SWRCB guidance document – "CEQA and State Water Board Grants" as attachments to its letter. Please see the Response to Comment 6-A. Kern County is not the Project applicant and will not be pursuing funding for the proposed Project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 6 C.

Please see the Response to Comment 6-B.

Response 6 D.

Please see the Response to Comment 6-B.

Response 6 E.

Please see the Response to Comment 6-B.

Response 6 F.

Please see the Response to Comment 6-B.

Response 6 G.

Please see the Response to Comment 6-B.

Response 6 H.

Please see the Response to Comment 6-B.
Response 6 I.

The commentor asks for clarification on the Tejon Castac Water District (TCWD) and Kern County Health Department design requirements that will be utilized by the Project facilities related to wastewater collection and reclamation and sewer services.

In response to this question, the lead agency notes that there are a number of standards, rules and regulations that have been adopted by the Kern County Board of Supervisors and or utilized by various County Departments, that are designed to ensure that future development projects do not impact water resources. Examples of such standards include the Kern County Development Standards, the Kern County Land Division Ordinance, the Kern County Zoning Ordinance and the Kern County Environmental Health Services Department Standards and Rules and Regulations for Land Development (Kern County 2008), which specifically address sewage disposal, water supply and environmental health.

The facilities will comply with all pertinent design standards adopted by the TCWD, Kern County and the State of California.

Response 6 J.

The commentor asks for clarification on the "alternative systems" that may be utilized for lots larger than 20 acres. The Project is not proposing to include leach fields or individual septic tanks. Rather, alternative systems that may be utilized include such facilities as small package treatment plants that would be operated by the TCWD. Any alternative systems would be managed by the TCWD and could require further approvals by the Kern County Environmental Health Services Department.

Response 6 K.

Commentor states that on page 3-38, under “Wastewater Collection and Reclamation” a brief description of the wastewater collection system is provided, but no detailed information on the wastewater treatment facility is included.

Section 4.16.4 of the Draft EIR describes planned water facilities. That section explains how the Tejon Castac Water District (TCWD) will serve the Project with water delivered through an existing California Aqueduct turnout which will be refurbished and enhanced. A 30-inch-diameter pipe will extend for approximately 3,000 linear feet from the turnout to transport water to the Project’s proposed water treatment facilities. The proposed turnout facility and pipeline are identified in Figure 4.16-2 and Appendix B-2 of the Draft EIR. Water from the turnout would be routed to an adjacent water treatment plant operated by TCWD and subsequently conveyed by a system of pumps, lifts, and pipelines to residential, commercial, recreational, and other users throughout the site. The proposed water system’s backbone infrastructure is identified in Figure 3-16 of the Draft EIR.

Further, the wastewater treatment facilities are discussed in Section 4.16.4 of the Draft EIR and in further detail in Appendix N2, Water Reuse Plan of the Draft EIR. Specifically, the Water Reuse Plan mentions that approximately ten acres of the Project area has been allotted for the Water Reclamation Facility. The planned Water Reclamation Facility features include: flow measurement, influent pumping, fine screening, equalization and emergency storage, secondary and tertiary treatment with membrane bioreactors (MBRs), UV disinfection, effluent pumping, onsite stormwater detention, solids handling facilities, and effluent disposal facilities. Space has been provided to include advanced treatment for salinity removal, if needed in the future.
When the Draft EIR Project description mentioned interim and permanent water and wastewater facilities, the text was meant to indicate that infrastructure will be constructed in phases to match the progress of development. The Water Reuse Plan mentions that since there are significant economies of scale, pipelines are generally sized to accommodate the full Project development, while treatment and reclamation facilities will be designed to be modular to the extent practicable. In particular, membrane bioreactors (MBR’s) are particularly suited for construction in phases since they combine the biological treatment and solids separation phases in one step, have a small footprint, and are relatively easy to add as parallel treatment trains to a wastewater treatment facility. Depending on the rate and distribution of growth, wastewater treatment facilities could be built in several (2-3) logical construction phases. A more detailed wastewater facilities plan for the Project will be completed to address the expected phasing as shown in the Specific Plan, which is likely to include the use of small package systems in the early phases of the Project. A description of these small package systems is included at the end of this Response. Such facilities would be constructed within the Development Envelope, would be required to comply with all applicable Mitigation Measures and legal requirements, and would not cause any new significant environmental impact, or worsen any significant environmental impact, identified in the Draft EIR.

The following includes a description of these small package systems:

**Interim Water & Wastewater Treatment Conceptual Summary**

During the initial stages of the Project water demands are anticipated to be associated primarily with a golf course, equestrian center improvements and sales and marketing facilities. These facilities may require local, interim, water and wastewater treatment facilities until such time as full-scale facilities were warranted. However, because the sequence in which different portions of the Project will be constructed is not currently known, there is some uncertainty in the size and location of the interim water and wastewater facilities.

**Interim Wastewater Treatment Facilities**

At buildout, the Project is estimated to generate approximately 0.8 million gallons per day (“Mgal/d”) of wastewater. Due to the variable topography, size, and different density development envisioned, low density portions of the development would be served by Septic Tank Effluent Pump (“STEP”) systems (which pump water from individual septic tanks into low pressure forcemains). The higher density development areas would be served by conventional sewer systems (gravity sewers, pump stations, and force mains).

At buildout, wastewater flows would be conveyed to a new Water Reclamation Facility (“WRF”). The WRF would produce what is commonly called “tertiary effluent” (pathogen-free water) consistent with the California Department of Health Services unrestricted reuse standards. The reclaimed water would be stored seasonally in lined basins and then used for various irrigation needs within the Project. The reclaimed water will offset approximately 840 acre-feet per year of water demand within the development. Reclaimed water uses include proposed golf courses and common area landscaping irrigation. This approach is consistent with State and Federal regulatory guidance and is common practice in water-scare areas of California.

At the beginning of the Project, when limited portions of the housing and possibly commercial areas are occupied, the low flows will be difficult to operate the WRF and reclamation system. The Project has several options available to it related to how it treats and disposes wastewater on an interim basis:
1. Construct lined (with a prescriptive liner system) ponds to fully contain all flows and evaporate the water.

2. Construct a small, package, tertiary WRF with water stored seasonally and used during summer months to irrigate nearby landscaping.

**Option 1. Construct Lined Retention Ponds for Full Containment of Flows**

Retention ponds must be sized to handle the 100-year winter conditions. At 25,000 gpd (about 9 MGal per year), the acreage needed for this much evaporation would be about 17 acres. It would also likely take several years for the ponds to initially fill. The pond acreage represents less than half of the 45 acres of seasonal storage ponds needed at WRF buildout.

Depending upon the actual initial phases of the Project, it may be necessary for the lined ponds to receive a certain amount of raw wastewater where solids have not been removed by STEP systems or septic tanks. If so, the ponds would need to be equipped with mechanical screening equipment and the ability to distribute flows (organic loads) across the ponds. If some portion of wastewater flows to the lined ponds consists of raw wastewater, pond sizes will be adjusted and organic loading will be sufficiently low as to control the potential for odors.

If only STEP or septic tank effluent (low solids) is received by the ponds, mechanical screens would likely not be required and less piping would be required. The Project would also likely need to add non-potable water to the ponds during the dry years to avoid odor issues when they are nearly dry. Lined ponds constructed under Option 1 would likely only occur at the location of the full-scale WRF.

**OPTION 1: Full Containment of Flows**

![Diagram of lined retention ponds]

**Option 2. Construct Packaged Tertiary WRF with Seasonal Reclamation**

The Project and or TCWD may construct a small package tertiary WRF. The water could be stored seasonally and then the WRF could be operated seasonally to discharge nearby landscaping. This would
be a smaller version of the actual WRF system but would defer certain facilities (such as some buildings, solids handling). This option would allow the water to be used in an unrestricted manner on nearby landscaping. Treated wastewater would be stored in lined ponds that would be also ultimately utilized as part of the full-scale WRF.

Additionally, lined ponds could be used to collect wastewater liquids throughout the winter, non-irrigation season and the WRF could be operated in the summer to treat accumulated wastewater seasonally for irrigation.

**Septic Tank Solids Handling**

Solids collected in the septic tanks will be anaerobically degraded within the tank. Occasionally, the non-degradable solids within the septic tanks will need to be removed and disposed. If the full-scale WRF has not been constructed, the Project will construct interim solar drying solids handling facilities as planned for the full-scale WRF that are capable of creating Class A biosolids. The interim solar dryer will likely be sited at the location of the final, full-scale WRF.

**Interim Water Treatment Facilities and Distribution System Storage**

Golf course irrigation water will consist of water obtained directly from the Project’s water source, the California Aqueduct, and will be filtered either at the location of the planned, full-scale water treatment facilities or at an area local to the golf course in order to remove gross solids that may cause problems for the golf course irrigation system. The water to be used for golf course irrigation would be conveyed to the golf course through its own dedicated pipeline. However, it is not anticipated that the golf course irrigation water would be treated sufficiently for potable uses.

It is anticipated that any preliminary Project facilities will be located near the golf course and will utilize the water conveyed for golf course irrigation as a source of raw water. A small, local water treatment system capable of providing potable quality water will be constructed to serve these facilities. Interim water treatment facilities are planned to consist of two stage filtration units followed by either ultraviolet disinfection, chlorine disinfection, or both. Filter backwash would be discharged to the sanitary sewer system. As with the anticipated full-scale treatment system, granular activated carbon may be utilized to remove natural organic matter from the water prior to disinfection in order to control disinfection byproducts and taste and odor. Treated water will be stored in local storage tanks to provide for peak usage and fire flow.
The interim water treatment facilities will be sized to treat at least maximum day water demands and will contain sufficient redundancy in treatment capacity to help ensure continued operation. Peak hour water demands as well as emergency fire fighting water will be supplied from a local water storage tank. The water storage tank will be sized based upon the then current State waterworks regulations depending upon the number of units served by the interim facilities and the associated potable water and fire demands.

Maximum daily water demands that would be needed to generate a 25,000 gallon per day average dry weather wastewater flow are estimated to be 765 gallons per day. Based upon these water demands and the interim wastewater treatment facilities are anticipated to be capable of accommodating, at a minimum, approximately 100,000 gallons per day water treatment capacity (or a minimum of 70 gallons per minute) will be provided in order to supply the maximum day water demands.

Similarly, water storage tank capacity provided to provide peak hour plus fire flow will be based upon then current State regulations. Currently, for systems with less than 1,000 service connections, California regulations require storage capacity be provided that is equal to or greater than the maximum daily demand (CCR 64554). Therefore, based upon current estimated water demand, a 100,000 gallon water storage capacity would be needed.

However, as with the interim wastewater treatment facilities, depending upon the location of the initial development areas, it may be necessary to construct multiple, separate water treatment and storage systems located in the vicinity of each area of development to provide sufficient potable water to meet demands.

Response 6 L.

See Response to Comment 6-K, which discusses planned wastewater treatment facilities and explains how infrastructure will be constructed in phases to match the progress of development.

Further, a description of the wastewater treatment facility is included in Section 4.16.4, IMPACTS AND MITIGATION MEASURES (page 4.16-20 of the Draft EIR) and discussed in detail in Draft EIR Appendix N2, WATER REUSE PLAN. The Water Reuse Plan also notes that since there are significant economies of scale, pipelines are generally sized to accommodate the full Project development, while treatment and reclamation facilities will be designed to be modular to the extent practicable. Depending on the rate and distribution of growth, wastewater treatment facilities could be built in several (2-3) logical construction phases.

Detailed engineering-level drawings and specifications for the wastewater treatment facility will also be completed prior to construction as part of Project implementation.

Response 6 M.

The comment includes an accurate quote from Mitigation Measure 4.3-1, on pages 4.3-105 to 4.3-106 of the Draft EIR. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 6 N.

The comment includes an accurate quote from CEQA Guidelines section 15126.4(a)(B), not from CEQA Guidelines section 15126.4(b), as cited in the comment. This comment does not specify a particular issue.
with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 1 O.

The commentor states that the County must describe the mitigation measures that may be used in place of Mitigation Measure 4.3-1, and suggests that failure to describe them would result in unlawful deferral of mitigation in violation of CEQA Guidelines Section 15126.4(b). Mitigation Measure 4.3-1 requires the Project applicant to submit evidence to the County, verified by the San Joaquin Valley Air Pollution Control District (SJVAPCD), prior to the issuance of any building permits, that the combined emissions from operations and construction will not exceed 2 tons per year of NOx or PM10 within the San Joaquin Valley Air Basin (SJVAB). Draft EIR at 4.3-105 to 4.3-106. These reductions can be achieved through any combination of Project design, compliance with the SJVAPCD's Indirect Source Review (ISR) Rule 9510, and/or compliance with a Development Mitigation Contract (DMC) or Voluntary Emission Reduction Agreement (VERA). Because unmitigated emissions of ROG could still occur under Mitigation Measure 4.3-1, it permits participation in an air mitigation program adopted by Kern County that provides equal or more effective mitigation to be utilized as a replacement for the mitigation measure. Commentor suggests that this feature of Mitigation Measure 4.3-1 – permitting its possible replacement by an equally or more effective mitigation measure – constitutes unlawful deferral under CEQA.

CEQA permits the formulation of details of mitigation measures at a future date as long as the mitigation measure includes specified performance standards and identifies measures that may be implemented to achieve the performance standard. See CEQA Guidelines § 15126.4(a)(1)(B); see also Sacramento Old City Ass'n v. City Council (1991) 229 Cal.App.3d 1011, 1027-30 (upholding mitigation menu of parking and traffic measures to be selected from in order to achieve specified performance standard); Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1276 (no improper deferral of mitigation when developer required to consult with agencies regarding appropriate mitigation and adopt specified avoidances measures prior to grading); National Park and Conservation Ass'n v. County of Riverside (1991) 71 Cal.App.4th 1341, 1366 (appropriate to defer determination of whether to install fences for desert tortoise mitigation until further study conducted on migration patterns).

CEQA recognizes that cases arise where uncertainties make defining specific mitigation parameters difficult; in these cases, developing mitigation measure details is appropriate. See, e.g., National Parks, 71 Cal.App.4th at 1366 (recognizing the appropriateness of deferring mitigation when uncertainties exist regarding the pros and cons of the mitigation measure); San Joaquin Raptor, 149 Cal.App.4th at 671 (contrasting the mitigation measure at issue with appropriate mitigation approaches that offer justification for deferring details of a mitigation plan).

In contrast, CEQA does not permit deferral of mitigation to a future date when the EIR does not include performance standards and a description of the nature of the actions to be incorporated into the mitigation plan. See, e.g., San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 669-71 (improper deferral of mitigation for species where no specific performance standard identified, no potential measures to be implemented described, and no specific justification for deferral offered); Endangered Habitats League v. County of Orange (2005) 131 Cal.App.4th 777, 794 (improper deferral of noise mitigation when no specified criteria or alternative included).

Permitting the replacement of this Mitigation Measure 4.3-1 with an equally or more effective mitigation program adopted by Kern County is permissible under CEQA. As Mitigation Measure 4.3-1 does not require mitigation of ROG, it recognizes that a different mitigation program that provides as much or
more emission reductions as Mitigation Measure 4.3-1 could be adopted to replace it. Thus, the mitigation measure includes a clear performance standard: the replacement program must be at least as protective as the existing mitigation requirements. Because the details of a potential replacement program are not yet known, formulation of the details of this mitigation option are not appropriate at this time. The Draft EIR's approach is consistent with CEQA's recognition of the appropriateness of deferring formulation of details of a mitigation program when they are not known.

In addition, any mitigation program adopted by the County would undergo appropriate environmental review under CEQA. Thus, prior to incorporation of any such mitigation program into the Project, the public will be provided an opportunity to comment on it.

It should also be noted that the Project applicant has entered a VERA with the SJVAPCD that contractually commits the Project to fully mitigating its NOx, ROG and PM emissions within the SJVAB. Because the VERA is a contract between the Project applicant and the SJVAPCD, consistent with CEQA Guidelines section 15091, the EIR does not rely upon the VERA as Project mitigation. However, the Project applicant is required by contract to fully mitigate its NOx, ROG and PM emissions within the SJVAB. Any Kern County mitigation program in which the Project decides to participate must be consistent with its obligations under the VERA.

Response 6 P.

Commentor states that Section 15370 of the CEQA Guidelines requires mitigation measures to include specific feasible actions that will minimize or avoid potential impacts, and raises concerns about Mitigation Measure 4.3-1's satisfaction of this standard. Commentor believes that stating that the Project's construction and operational emissions of NOx and PM10 will be mitigated to below 2 tons per year, and that these reductions can be achieved through Project design, compliance with the SJVAPCD's ISR Rule, and/or compliance with a DMC or VERA, is not a specific feasible action.

Section 15370 of the CEQA Guidelines defines "mitigation" as follows:
(a) Avoiding the impact altogether by not taking a certain action or parts of an action.
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
(e) Compensating for the impact by replacing or providing substitute resources or environments.

Consistent with the CEQA Guidelines, Mitigation Measure 4.3-1 will avoid or minimize the Project's NOx and PM10 impacts by requiring the Project to reduce its construction and operational emissions of each pollutant to no more than two tons per year.

Although Section 15370 of the CEQA Guidelines does not refer to "specific feasible" actions, Section 15126.4(a) does require an EIR to "describe feasible measures which could minimize significant adverse impacts." Consistent with this requirement, Mitigation Measure 4.3-1 represents a feasible mitigation measure that can be achieved through a variety of approaches, including Project design features, compliance with the SJVAPCD's ISR Rule, or implementation of a DMC/VERA. The Draft EIR describes a number of Project design features that are expected to result in substantial emission reductions. In addition, the Project applicant has entered a VERA with the SJVAPCD. Thus, Mitigation Measure 4.3-1 represents feasible mitigation for the Project's impacts.
In addition, as described in Response to Comment 6-O, above, CEQA permits formulation of the details of a mitigation measure at a later date when a specific performance standard is identified and measures to achieve that standard are included. As explained in Response to Comment 6-O, Mitigation Measure 4.3-1 includes a specific performance standard. Consistent with CEQA's mitigation requirements, a variety of options to achieve this standard are included.

Response 6 Q.

Commentor believes that Mitigation Measure 4.3-1 must be revised to comply with CEQA and requests that all mitigation measures in the Draft EIR must also comply with these standards. As discussed above, Mitigation Measure 4.3-1 complies with all requirements of CEQA regarding specificity and deferral of mitigation. Other specific concerns raised by commentor are separately addressed in these responses.

Response 6 R.

The comment provides contact information for SWRCB staff should any questions arise regarding the above comments. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 6 S.

Please see the Response to Comment 6-B.

Response 6 T.

Please see the Response to Comment 6-B.

Response 6 U.

Commentor has included a guidance document, "Basic Criteria for Cultural Resources Reports," for projects subject to Section 106 Consultation with the State Historic Preservation Officer under the National Historic Preservation Act. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 6 V.

The comment is an attachment to the SWRCB comment letter that states the "Basic Criteria for Cultural Resources Reports." This comment is noted for the record. Technical appendices relating to Cultural Resources are included as Appendices F-1, F-2, F-3 and F-4. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 7

July 8, 2009

Craig M. Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Subject: Draft Environmental Impact Report, Tejon Mountain Village by TMV, LLC;
SCH No. 2005101018

Dear Mr. Murphy:

Thank you for the opportunity to review the above document. The California Department of Public Health (CDPH), Division of Drinking Water and Environmental Management is responsible for issuing water supply permits administered under the Safe Drinking Water Program. CDPH will be a "responsible agency" pursuant to the California Environmental Quality Act (CEQA) and will need to issue a Domestic Public Water System Permit for the above referenced project.

The Tejon Mountain Village (TMV) project includes the development of up to 3,450 residential units, up to 160,000 square feet of commercial development, up to 750 hotel/resort lodging units, two 18-hole golf courses, and additional support facilities. Per information provided in the document, the potable water supply will be provided by the Tejon-Castac Water District (TCWD) through an existing turnout facility located at mile 208.65 of the California Aqueduct. The potable water system will include a series of pipelines, pumping stations, lifts, water storage reservoirs, and a water treatment facility designed to treat approximately 5-million gallons of water per day. No local groundwater will be used to meet the project’s potable or nonpotable water demand. The project site will be located approximately 40 miles south of Bakersfield and 50 miles north of Los Angeles on property owned by the Tejon Ranch Company.

In accordance with the Section 116275 of the California Health & Safety Code, the water system developed to serve the project would be classified as a public water system and will be required to obtain a domestic water supply permit before operating. Due to the complexity and design of the proposed project, the owner/developer should contact the California Department of Public Health (CDPH), Tejachapi District Office during the planning and design process to discuss our permitting requirements and the recently adopted changes to the California Waterworks Standards.
Comment Letter 7, Cont.

Tejon Mountain Village CEQA Document
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Please contact Jesse Dhaliwal, District Engineer, Tehachapi District Office, at (661) 335-7315 if you have any questions regarding permit applications, permits, or permit amendments. If you have any questions about this letter, please call me at (916) 324-6894 or email to lance.salisbury@cdph.ca.gov.

Sincerely,

Lance Salisbury
CDPH Environmental Review Unit

Cc: CDPH Tehachapi District Office
    Drinking Water Field Operations
    1200 Discovery Drive, Suite 100
    Bakersfield, CA 93309

    Governor’s Office of Planning and Research, State Clearinghouse
Comment Letter 7. California Department of Public Health (July 8, 2009)

Response 7 A.

Thank you for your comment. The comment from the State of California, Department of Public Health (CDPH) notes that CDPH is a "responsible agency" under CEQA and will need to issue a Domestic Public Water System Permit for the water system for the proposed Project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 7 B.

The comment from CDPH accurately describes the Project and notes that, because the water system for the project will be a public water system as defined by Section 116275 of the California Health and Safety Code, it accordingly must receive a permit from CDPH. The commentor also states that the owner/developer should contact CDPH during the planning and design process to discuss permitting requirements and recent changes to the California Waterworks Standards. As noted in Section 2.6 of the Draft EIR, RESPONSIBLE AND TRUSTEE AGENCIES, either the Project or Tejon Castac Water District, as appropriate, will apply for all necessary permits from Responsible and Trustee Agencies, including CDPH, prior to operation and will be in full compliance with all permitting requirements identified by the California Department of Public Health. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 8a

July 9, 2009

2135-IGR/CEQA
06-KER-005-0.109/5.020
TEJON MOUNTAIN VILLAGE
DRAFT EIR
SCH #2005101018

Mr. Craig M. Murphy
Supervising Planner
Kern County Planning Dept.
2700 “M” Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Murphy:

We have reviewed the draft EIR for Tejon Mountain Village. This proposal will encompass 26,417 acres with 3,450 dwellings, a hotel, commercial, and recreational uses. The site is located on the east side of Interstate (I) 5, from Frazier Mountain Road to Port Tejon. Caltrans has the following comments:

As stated in Chapter 9, Article 4 of the Caltrans Project Development Procedures Manual, modification to existing access points to the Interstate System requires approvals by both Caltrans and the Federal Highway Administration (FHWA). Caltrans would represent this proposal before the FHWA, if we agree with the findings. The developer (sponsor) should not submit this proposal directly to the FHWA. As this project is sponsored by a private developer and is accompanied with its complexity and potentially significant impacts to I-5, a Project Study Report (PSR) may serve as a Project Initiation Document (PID). Development of mitigation measures such as reconstructing and relocating existing access points on I-5 will need to follow the PID processes. Such processes will include detailed multidisciplinary reviews by other functional units.

The traffic impact study (TIS) should include merging and diverging analysis at the I-5 on-ramp and off-ramp junctions for all three interchanges in the Lebec area. Calculation worksheets are required to be included in the report.

The study is required to provide a summary of the analysis output comparison between the roundabout and traffic signals alternatives. The summary should include information such as, but not limited to, level of service, queue lengths, delays, and volume to capacity ratios.

Figure 5-6 provides forecast traffic volume for the Lebec Road Interchange area. It projected a total of 1,450 vehicles per hour at the northbound off-ramp. According to the Highway Design Manual, a two-lane exit ramp with an auxiliary lane prior to the exit lane is required for volumes exceeding 1,500 equivalent passenger cars per hour.

"Caltrans improves mobility across California"
Comment Letter 8a, Cont.

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The TIS should also include arterial roadway segment analysis, in particular at the existing two-
lane Lebec Road Overcrossing. This analysis will be crucial to determine the number of lanes
required to accommodate future forecast traffic volumes. The current Transportation Concept
Report (TCR), dated July 2005, states that the ultimate Lebec Road Overcrossing span should
accommodate ten (10) lanes plus auxiliary lanes if needed.

The TIS suggests that one of the mitigation measures involves rerouting truck traffic to SR 58
and to use SR 58 as a truck bypass route. This proposed mitigation measure cannot be accepted
as it would create negative impacts on SR 58 and the trucking industry. On page ES-16, under
Regional Improvements, it mentions a SR 58 bypass project. There is no known project. The
idea of using SR 58 as a truck bypass cannot be accepted. It is also suggested that an HOV
project on I-5 will eliminate the project impact. This statement is inaccurate. HOV projects
may mitigate the impact, but not eliminate it, as the impact will still be there. Please be
advised that an HOV project requires new lanes to be built; none of the existing lanes can be
converted into HOV lanes.

The TIS does not include the cumulative impacts on the freeway systems due to the proposed
Centennial project located at the northeast corner of I-5 and State Route (SR) 138.

For Table 3-3 (page 3-10), a sample calculation is required to illustrate how the information
under SP/Lane column is obtained. The TIS also needs to provide justification of using fp
factor of 0.95 on I-5.

It is unclear whether the data presented in Table 3-4 represents peak hour traffic volume. In
general, the volumes appear low; therefore, it is required that the study verify the existing
freeway volumes.

For the roundabout alternative, the study is required to provide electronic SIDRA input files as
well as detailed geometric information for review. The geometric information should include,
but not limited to, truck turning path, fastest path diagram, and sight distance diagram. The
SIDRA output files need to include information such as queue delay and degree of saturation for
each approach leg.

Regarding Table 5-1 (page 5-10), a signal-controlled analysis output should be included in
conjunction with the roundabout alternative.

Regarding Table 5-4 (page 5-16), the v/c ratio of 0.97 is too close to the maximum capacity of
v/c=1.0 for the northbound off-ramp at the Lebec Road Interchange. Mitigation measures must
be provided in the study report.

In regards to Table 6-2 (page 6-6), it is unclear whether the LOS analysis is with or without
stage 1b improvements. The table should show LOS after improvements for each stage (1a, 1b,
and 2).

In Section 7.4 (page 7-3), the study is required to provide analysis for the west side of I-5 (with
stage 1a improvements) when the stage 1b improvements are built.

"Caltrans improves mobility across California"
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On page 7-3, at the Frazier Mountain Park Road Interchange, it is proposed to convert the northbound ramp terminus to an all-way-stop-controlled intersection as an interim improvement. This needs to be substantiated and justified with engineering analysis as traffic queuing on Frazier Mountain Park Road may affect the southbound off-ramp.

| 8a-S |

On page 7-9, Table 7-3, the proposed mitigation for the Frazier Park Estates shows that the signal at the intersection of Lebec Road and Peace Valley Road would operate at an LOS of “F”. This study should provide adequate mitigation to address the deficiencies. The commercial developments should also be set as threshold for project phasing.

| 8a-T |

In Section 8.2.2, on page 8-11, the monitoring program should include commercial components in the proposed threshold. The objective LOS for the Lebec Road Interchange should be “C” as opposed to “D” as stated in the report. In addition, the report should state who will monitor and enforce the monitoring program, and whether construction bonds would be posted.

| 8a-U |

In Appendix “F”, a PHF of 0.92 is used in the Synchro worksheets. According to the Highway Capacity Manual, a lower PHF factor is typically a characteristic of a rural freeway. Thus the study is required to provide justification for PHF of 0.92.

| 8a-V |

The project site is adjacent to access control right-of-way. Access from the State right-of-way is prohibited.

| 8a-W |

A preliminary cost estimate for all proposed work within the State right-of-way must be submitted with an encroachment permit application to determine how the project will be processed through the Department. The project will be considered a “special funded project” and shall be handled by Project Development and Project Management if the project cost exceeds $1,000,000, except for utility projects.

| 8a-X |

No advertising signs are allowed in or over the State right-of-way. A sign permit may be required for advertising signs adjacent to and visible from the State highway right-of-way.

| 8a-Y |

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under, or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Code, Section 671.5, “Time Limitations.”

| 8a-Z |

Encroachments are subject to removal by the Department in accordance with Sections 673 and 720 of the Streets and Highway Code.

| 8a-A2 |

Caltrans improves mobility across California

| 8a-B2 |
Comment Letter 8a, Cont.

Mr. Craig M. Murphy
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If you have any questions, please call me at (559) 445-5232.

Sincerely,

LISA ZITO
Office of Transportation Planning
District 6

C: Mr. Scott Morgan, Senior Planner, State Clearinghouse

"Caltrans improves mobility across California"
Comment Letter 8a. California Department of Transportation (July 9, 2009)

Response 8a A.

Thank you for your comment. The comment states that the California Department of Transportation (Caltrans) has reviewed the Draft EIR for the Project. The comment accurately describes the proposed Project and its location. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 8a B.

Commentor states that it will process modifications to existing access points to I-5 in compliance with the Commentor Project Development Procedures Manual, including managing the approval coordination process with the Federal Highway Administration (FHWA). Commenter notes that mitigation measures such as reconstructing and relocating existing access points on I-5 will need to follow the appropriate Commentor processes, which will include detailed multidisciplinary reviews by other functional units. This comment is noted for the record, and is consistent with existing and anticipated practices and requirements.

Response 8a C.

Commentor states that the Project traffic impact study (TIS) should include merging and diverging analysis at the I-5 on-ramp and off-ramp junctions for all three interchanges in the Lebec area. Calculation worksheets are required to be included in the report. The TIS has been revised to include merging and diverging analysis for with and without project conditions for the year 2030. (See Table 5-5 in the Revised TIS, which supersedes former Appendix M1 as described in Section 7.3 of the EIR.) Calculation worksheets have been included in the revised Appendix M1. The revised merging and diverging analysis can be found on Table 5-5 of the Revised TIS. This analysis resulted in the need for further proposed traffic improvements, consisting of auxiliary lanes in the Fort Tejon and Lebec interchanges, as described in Section 7 of the Revised TIS and in Section 7.2.

Response 8a D.

Commentor states that the TIS needs to include a summary of the analysis output comparison between the roundabout and traffic signals alternatives for improvements to local intersections in the Lebec area. The summary should include information such as, but not limited to, level of service, queue lengths, delays, and volume to capacity ratios. The TIS has been revised to provide a comparative summary for the roundabout and signalized intersection alternative improvements to the I-5/Lebec Road interchange. The comparative summary can be found in Chapter 3 and Appendix D of the Revised TIS, which is included as Appendix M-1 to the EIR as described in Section 7.2.

Response 8a E.

Commentor notes that Figure 5-6 provides forecast traffic volume for the Lebec Road Interchange area, shows projected traffic loads of 1,450 trips, and notes that a two-lane exit ramp with an auxiliary lane is required for volumes exceeding 1,500 equivalent passenger cars per hour. This is an accurate summary of the referenced information and criteria for expanding the exit ramp from one to two lanes. Revised
mitigation measures, including the addition of a second exit ramp lane, are described in Section 7.2 and in the Revised TIS.

Response 8a F.

Commentor states that the TIS should also include an arterial roadway segment analysis, in particular at the existing two-lane Lebec Road Overcrossing, to accommodate future forecast traffic volumes. The Revised TIS includes an arterial roadway segment analysis that includes the Lebec Road Overcrossing. The revised text can be found on page 6-8 of the TIS.

Response 8a G.

Commentor notes that the Transportation Concept Report (TCR), referenced in the TIS, dated July 2005, states that the ultimate Lebec Road Overcrossing span should accommodate ten (10) lanes plus auxiliary lanes if needed. This is an accurate summary of the TCR and is noted for the record.

Response 8a H.

Commentor states that the TIS and DEIR suggests that one of the mitigation measures involves rerouting truck traffic to SR 58 and using SR 58 as a truck bypass route. Commenter concludes that this proposed mitigation measure cannot be accepted, as it would create negative impacts on SR 58 and the trucking industry. The potential re-routing of truck traffic to SR 58 has been deleted as a Mitigation Measure and from other text sections of the Draft EIR. This SR 58 project contribution was originally intended to illustrate a potential, and partial, improvement to the regional roadway network to help address significant unavoidable impacts; however, as Section 4.15 of the Draft EIR explained, even with this Mitigation Measure, impacts remained significant and unavoidable at both the Project-specific and cumulative level. Because this SR 58 project is uncertain, and because the Project financial contribution was small in relation to the total cost of such a project (e.g., all private sector contributions were assumed to pay for only 10% of the cost of a potential SR 58 design, and the Project contribution was then calculated based on a "fair share" basis of this private sector contribution assuming other growth and development within the region), it was determined that this Mitigation Measure did not meet applicable CEQA criteria for actually mitigating traffic impacts. Instead, the Project is being required to fully fund two interchange improvement projects within the immediate Project vicinity, at Lebec Road and Fort Tejon, as shown on Table 7-1 in the Revised TIS and in Section 7.2. Additionally, as also shown on Table 7-1 of the Revised TIS and in Section 7.2, the Project has proposed to fully fund the conversion of the northbound off-ramp intersection of the Frazier Mountain Park Road interchange, and then to either fund its fair share of further interchange improvements at Frazier Park Road (with funding to be shared among other projects approved in the Mountain Communities), or to fully fund such further interchange improvements in the absence of such future projects). These cost of these additional Project traffic improvement and mitigation obligations substantially exceeds the SR-58 mitigation fee arrangement identified in Mitigation Measure 4.15-10 of the Draft EIR, resulting in a more substantial mitigation obligation for the Project in relation to the mitigation obligations set forth in the Draft EIR. These revised and expanded proposed Project traffic improvements also result in the implementation of fully-funded improvements to assure the safe and efficient flow of traffic on three I-5 interchanges, thereby improving corresponding segments of this regional transportation facility and reducing the potential for adversely affecting congestion or traffic queue formation on I-5 north or south of these interchanges. These revised and expanded improvements and mitigation requirements do not change the EIR conclusion that impacts to regional roadways remain significant and unavoidable on a Project-specific and cumulative level, but these revised and expanded improvements and mitigation requirements do result in fewer impacts, as well as incremental
improvements to the regional roadway network segments and system, in relation to original Mitigation Measure 5.15-10.

Further mitigation of these regional roadway network improvements is not feasible at a project EIR level. The State of California's 2006 Strategic Growth Plan identifies a major gap between transportation funding needs and available transportation funding. Both population growth and vehicular utilization now exceed that rate of funding provided by taxes on gasoline, and this trend has been exacerbated by overall increases in transportation improvement costs (e.g., asphalt, cement and steel) and more fuel-efficient vehicles which result in more miles driven in relation to gasoline taxes paid.

Transportation funding from other revenue sources has also been substantially reduced in relation to prior years, with an overall trend of declining allocations for roadway maintenance and improvements from the state to local governments. While some federal funding has been provided (e.g., 2005 legislation that included $630 million for highway improvements in the metropolitan Bakersfield area, or 2009 stimulus funding that included transportation improvements), these funding sources have been both uncertain and insufficient to fully fund either regional highway maintenance or improvement projects.

Finally, local tax revenues are also not sufficient for such projects. California has authorized counties to impose, with voter approval, a sales tax to help fund the operation, maintenance and construction of transportation projects. Such local funding could also be used to increase the potential for obtaining matching state and federal funding. Kern County voters declined to approve such a 0.5% sales tax in both 1989 and 2006. While such a measure can be placed on future ballots, for purposes of this EIR analysis it is assumed that such local funding is not available.

Kern County has committed foreseeable funding sources to local and regional traffic improvements, and no funding is available for highway impacts caused by the Project on a Project-specific or cumulative level. Kern County, as the lead agency for the Project, also has no authority to compel any other agency (e.g., Caltrans or Los Angeles County) to fund improvements to the regional transportation system that are impacted at a Project-specific or cumulative level. Current and projected demands on regional traffic needs are not likely to be funded based on the unavailability and uncertainty of federal, state and local funding. The Project, if approved, would add additional traffic volumes to regional roadways leading to continued significant impacts in the project area. While funding sources continue to be identified and implemented, the timing of completion of regional transportation improvements cannot be assured. Thus, while all feasible and reasonable mitigation has been imposed, the completion of the regional network depends on factors that are outside the control of the lead agency as described above. Accordingly, cumulative impacts from reasonable and foreseeable projects, in combination with the proposed Project, remain significant and unavoidable. All project Mitigation Measures shall be implemented. No additional mitigation measures have been identified to reduce Project-specific and cumulative impacts to regional roadways a less-than-significant level, and impacts remain significant and unavoidable on a cumulative and Project-specific basis.

Response 8a I.

Commentor cites to the Executive Summary of the TIS, which mentions a SR 58 bypass project, and again notes that the concept of using SR 58 as a truck bypass cannot be accepted. This reference has been deleted from the Executive Summary, as well as Section 4.15, TRANSPORTATION AND TRAFFIC, as shown below. Please refer to Section 7.2, REVISIONS TO THE DRAFT EIR.
Potential cumulative impacts at six of the ten locations would be mitigated to less than significant levels with the implementation of the State Route 58 truck bypass project. Potential significant cumulative impacts on the State Route 99 south of Houghton PM northbound, State Route 99 south of Old Route 99 PM southbound, State Route 99 south of David PM southbound, and State Route 99 south of Valpredo PM southbound segments would not be reduced to applicable LOS standards by the implementation of the State Route 58 diversion project.

Response 8a J.

Commentor states that the TIS inaccurately suggests that an HOV project on I-5 will eliminate the project impact, and notes that an HOV project may mitigate but not eliminate impacts, and further that an HOV project would require construction of new lanes. The Revised TIS has been clarified to note that an HOV project would help mitigate Project impacts, but would not eliminate such impacts, and that construction of an HOV facility would require the construction of new lanes. (See Section 5-2 of Revised TIS, included as Appendix M1 of Draft EIR.)

Response 8a K.

Commentor states the TIS does not include the cumulative impacts on the freeway systems due to the proposed Centennial project located at the northeast corner of I-5 and State Route (SR) 138. The original and Revised TIS include the Centennial project in the cumulative analysis, including all of the calculated tables and impact assessments. The text of the Revised TIS has been modified to clarify this assumption. The clarification can be found on page 2-7 of the Revised TIS.

Response 8a L.

Commentor notes that for Table 3-3 (page 3-10), a sample calculation should be added to illustrate how the information under SF/Lane column is obtained, and also states that the TIS also needs to provide justification of using fp factor of 0.95 on I-5. The service flow rate calculation has been provided in the Revised TIS in Table 3-3. The fp factor refers to the behavior of drivers based on driver familiarity with the Interstate system. The fp factor of 0.95 was used based on direction provided by Caltrans District 6 and 7 staff during the preparation of other traffic studies in this area, specifically for use at these locations.

Response 8a M.

Commentor states it is unclear whether the data presented in Table 3-4 represents peak hour traffic volume, that volumes appear low, and that the volumes be verified. The data in Table 3-4 represent peak hour traffic volumes for 2006 conditions. These volumes have been compiled from multiple sources, such as count station data provided by Commentor and peak hour ramp counts independently collected at multiple locations, as described in Revised TIS at Section 3.1.2. The mainline and ramp counts have been balanced for flow continuity and have been reviewed and previously approved by Commentor's staff as part of other traffic studies in this area. Additionally, in response to this comment and to further verify these volumes, a comparison has been made to recent data obtained from the PEMS system, a statewide California traffic count database. Average Daily Trips (ADT), AM peak hour, and PM peak hour data has been obtained from the closest functioning vehicle detection station (VDS) to the Project site (Smokey Bear Road for the northbound direction and Templin Highway for the southbound direction). The comparison indicates that the 2006 traffic counts are consistent with the current 2009 conditions at these locations. Clarification of the source of the existing I-5 traffic volumes has been also provided on pages 3-
1 and 3-9 of the Revised TIS, The 2009 data is included as an attachment to this Response for informational purposes.

Response 8a N.

Commentor states that for the roundabout alternative, the study is required to provide electronic SIDRA input files as well as detailed geometric information for review. Commentor states that the geometric information should include, for example, truck turning path, fastest path diagram, and sight distance diagram. Additionally, the SIDRA output files need to include information such as queue delay and degree of saturation for each approach leg. The SIDRA software was utilized for input and output data, and the resulting calculations were provided in Appendix D of the Revised TIS. The input and output data can be found in Appendix D of the TIS. Geometric information about the roundabout alternative has likewise been provided in the Revised TIS in Appendix D and Appendix G, and has taken into account such factors as truck turning path, fastest path, and sight distance. Refined geometric details, including engineering-level evaluations of truck turning path, fastest path diagrams, and sight distance diagrams, will be provided at the more detailed permit processing required for these improvements. The geometry is generally depicted in Appendix G of the Revised TIS.

Response 8a O.

Commentor states that a signal-controlled analysis output should be included in conjunction with the roundabout alternative in Table 5-1. As requested, a Highway Capacity Manual (HCM) analysis has been provided for signalized intersections for comparison with the alternative roundabout intersections. The information is provided in Section 5.1.2 of the Revised TIS and in Appendix E of the Revised TIS. This analysis does not change any conclusions regarding the significance of project impacts, nor does it warrant any further mitigation measures.

Response 8a P.

Commentor states regarding Table 5-4 (page 5-16), the v/c ratio of 0.97 is too close to the maximum capacity of v/c=1.0 for the northbound off-ramp at the Lebec Road Interchange, referring to TIS Table 5-4, and that mitigation must be provided. This comment is accepted, and the proposed Project traffic improvement for the northbound I-5 exit ramp geometrics has been revised to include a two lane exit with an auxiliary lane for the ultimate interchange geometrics for inclusion in the revised TIS. Please refer to Section 4.15.4 in Section 7.2, and to the Revised TIS, for a further description of this revised traffic improvement.

Response 8a Q.

Commentor states that in regards to Table 6-2 of the TIS (page 6-6), it is unclear whether the LOS analysis is with or without stage 1b improvements. Commentor states that this table should show LOS after improvements for each stage (1a, 1b, and 2). This table in the Revised TIS has been clarified to describe the included improvements and expanded to show LOS after improvements. Improvements are now triggered when LOS or other specified thresholds are met, which has superseded the staging analysis in the earlier TIS. (See Revised TIS Table 7-1.) As described further in Response to Comment 5-E, monitoring will also be required to maintain LOS levels at "C" or "D" as specified in Table 7-1 of the Revised TIS and in Section 7.2.
Response 8a R.

Commentor states that in Section 7.4 (page 7-3), the TIS must analyze the west side of I-5 (with stage 1a improvements) when the stage 1b improvements are built. As requested, an analysis for all intersections has been provided in the Revised TIS Table 7-1. Improvements are now triggered when LOS or other specified thresholds are met, which has superseded the staging analysis in the earlier TIS. (See Revised TIS Table 7-1.) As described further in Response to Comment 5-E, monitoring will also be required to maintain LOS levels at "C" or "D" as specified in Table 7-1 of the Revised TIS and in Section 7.2.

Response 8a S.

Commentor notes that on page 7-3 of the TIS, at the Frazier Mountain Park Road Interchange, conversion of the northbound ramp terminus to an all-way-stop-controlled intersection is proposed as an interim improvement. Commenter requests that this be substantiated and justified with engineering analysis as traffic queuing on Frazier Mountain Park Road may affect the southbound off-ramp. Appendix E of the Revised TIS includes an operational and queuing analysis on Frazier Mountain Park Road and the I-5 exit ramps for the intersection at the northbound I-5 exit ramp/Frazier Mountain Park Road intersection.

Response 8a T.

Commentor notes on page 7-9, Table 7-3, the proposed mitigation for the Frazier Park Estates shows that the signal at the intersection of Lebec Road and Peace Valley Road would operate at an LOS of “F”. This study should provide adequate mitigation to address the deficiencies. The commercial developments should also be set as threshold for project phasing. The TIS does not indicate that the proposed signalization of Lebec Road/Peace Valley Road/Frazier Mountain Park Road intersection would operate at LOS F, and the Revised TIS requires that this intersection be maintained at a LOS "C" level. The Frazier Park Estates (FPE) Traffic Study did conclude that this intersection would operate at LOS "F" based on two factors. First, the FPE study used a methodology that included a 4% growth rate for Los Angeles County. Appendix F to the TIS includes correspondence from Los Angeles County confirming that the 1.5% growth rate is acceptable and appropriate for this location. With the appropriate growth rate of 1.5%, accepted by both Los Angeles and Kern Counties, the FPE Traffic Study also includes an analysis which shows the intersection operating at LOS C (Monday – Thursday) and D (Friday) with signalization (see Table 3-50 on page 3-137 of the FPE Traffic Study – June 2009). This is consistent with the TIS. Second, the FPE Traffic Study has evaluated that intersection based on the proportion of trucks within the traffic stream in 2030 as the same percentage as for existing conditions (as much as 36 percent during the P.M. peak hour). This is effectively the same as assuming the FPE project and other cumulative development is 36 percent truck traffic, when in reality the additional traffic from FPE is predominantly passenger cars. In 2030, the total volume of trucks is estimated to increase consistent with the actual growth rate, but the quantity of trucks as a percent of total traffic will decrease to approximately 22 percent due to the greater proportion of passenger car traffic generated by FPE and the other cumulative development. Finally, the commercial developments were included as thresholds for project monitoring and traffic improvements as described in the traffic mitigation measures, both in Mitigation Measure 4.15-12 (page 4.15-56 of the Draft EIR) and in revised and mitigation measures included in Section 7.2. A further traffic study of actual Project-generated traffic is required prior to the approval of any final Commercial Development Plan. In response to comments, however, an expanded traffic monitoring program has been added to Section 7.3 as included as described in Response to Comment 5-E, as have objective criteria for triggering traffic mitigation measure implementation. The expanded monitoring and mitigation triggers include the whole of the Project, including the commercial area.
Response 8a U.

Commentor notes that in Section 8.2.2, on page 8-11, the monitoring program should include commercial components in the proposed threshold. As noted above in Response to Comment 8a-R, the Project's commercial component is included in the thresholds for requiring implementation of traffic mitigation measures.

Response 8a V.

Commentor states that the LOS for the Lebec Road Interchange should be “C” as opposed to “D.”. Commentor further requests information about the entity that will monitor and enforce the monitoring program, and whether construction bonds would be posted. This comment has been accepted and LOS "C" has been included as the appropriate threshold in the Revised TIS and in EIR revisions included in Section 7.2. The Revised TIS also provides a description of a monitoring program with an objective of maintaining LOS C for the Lebec Road interchange. The monitoring program will be monitored and enforced by the County of Kern. Construction bonds will be posted per County requirements.

Response 8a W.

Commentor states in Appendix “E” of the TIS that a PHF of 0.92 is used in the Synchro worksheets. Commentor notes that according to the Highway Capacity Manual, a lower PHF factor is typically a characteristic of a rural freeway, and requests justification for using the PHF of 0.92. The PHF utilized for the Revised TIS has been changed to 0.88 as specified in subsequent discussions with the Commentor’s staff. No changes to impacts or mitigation resulted from this change.

Response 8a X.

Commentor states that the Project site is adjacent to access control right-of-way, and that access from the State right-of-way is prohibited. This comment accurately describes the prohibition on access, and is included in the record.

Response 8a Y.

Commentor states that a preliminary cost estimate for all proposed work within the State right-of-way must be submitted with an encroachment permit application to determine how the project will be processed by Commentor. The Project mitigation measures within the State right-of-way would be considered a “special funded project” and as such would be handled by Commentor's Project Development and Project Management if costs exceed $1,000,000 (excepting utility projects). It is acknowledged that a preliminary cost estimate for proposed work within the State right-of-way must be submitted with an encroachment permit application to determine how the mitigation measures for the project will be processed through the Department, and that the project will be considered a “special funded project” that would be handled by Project Development and Project Management if the such mitigation measure project cost exceeds $1,000,000, except for utility projects.

Response 8a Z.

Commentor states that no advertising signs are allowed in or over the State right-of-way. A sign permit may be required for advertising signs adjacent to and visible from the State highway right-of-way. It is acknowledged that no advertising signs are allowed in or over the State right-of-way, and that a sign permit may be required for advertising signs adjacent to and visible from the State highway right-of-way.
Response 8a A2.

Commentor states that an encroachment permit must be obtained for all proposed activities for placement of encroachments within, under, or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Code, Section 671.5, “Time Limitations.” These requirements are acknowledged and included in the record.

Response 8a B2.

Commentor states that Encroachments are subject to removal by the Department in accordance with Sections 673 and 720 of the Streets and Highway Code. It is acknowledged for the record that encroachments are subject to removal by the Department in accordance with Sections 673 and 720 of the Streets and Highway Code.
County of Kern

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PeMS 10.1

District Maps
D3 - North Central
D4 - Bay Area
D5 - Central Coast
D6 - South Central
D7 - LA/Ventura
D8 - Riverside/San Bernardino
D10 - Central
D11 - San Diego/Imperial
D12 - Orange County

User Services
Resources
Apply for an Account
Lost Password

This is a cooperative effort between UC Berkeley, PATH and Caltrans and is subject to our Terms of Use. Powered by BTS.

Freeway Performance Measurement System (PeMS)

Welcome to the Freeway Performance Measurement System, PeMS. This project is conducted by the Department of Electrical Engineering and Computer Sciences at the University of California, at Berkeley, with the cooperation of the California Department of Transportation, California Partners for Advanced Transit and Highways, and Berkeley Transportation Systems. The intent of this project is to collect historical and real-time freeway data from freeways in the State of California in order to compute freeway performance measures.

In order to use the PeMS Site, you must apply for an account. Registering is easy and only requires some information and a valid email address. Your account can usually be approved within one or two working days.

This web site has been tested with Internet Explorer version 6+ and Mozilla Firefox 1.0 for Windows. Your browser security settings must allow cookies and JavaScript for this site to work correctly.

REGISTERED USERS

Username: Password:

Login

8/21/2009 11:34 AM
Comment Letter 8b

July 16, 2009

Mr. Craig M. Murphy
Supervising Planner
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Murphy:

The purpose for this letter is to clarify a portion of our comment letter of July 9, 2009 addressed to you regarding the Tejon Mountain Village Draft EIR. Specifically, the discussion about considering improvements to State Route (SR) 58 as a regional approach in combination with mitigation measures along I-5 to address any impacts on the State Highway system. See paragraph 2 of page 2 of the July 9, 2009 letter.

Caltrans has communicated through earlier correspondence to both Kern and Los Angeles counties the coordinated effort of Districts 6 and 7 that established minimum Level of Service (LOS) thresholds for evaluating specific segments of I-5 through the Grapevine area. These minimum LOS thresholds were provided for the purpose of evaluating the impacts of several development proposals along the corridor in both counties. In that correspondence we acknowledged that meeting LOS minimum thresholds along this stretch of I-5 may not always be feasible due to constraints such as geological, structural, or right of way conditions in the area. Should such constraints exist, the Department may consider a more regional approach to mitigate traffic impacts should future analysis support such an approach as a viable solution. Coupled with appropriate mitigation for direct impacts to I-5, operational or other highway improvements that increase capacity on SR 58 as part of a regional solution may be considered under these circumstances.

If you or your staff have any questions, please feel free to contact either John Liu, Deputy District Director of Maintenance and Operations at (559) 488-4144 or myself at (559) 488-4115.

Sincerely,

Jim Perault
Aging Deputy District Director of Planning and Local Assistance

c: Mr. Scott Morgan, Senior Planner, State Clearinghouse
Comment Letter 8b. Department of Transportation, Jim Perrault (July 16, 2009)

Response 8b A.

Thank you for your comment. The comment states that the California Department of Transportation (Caltrans) wishes to clarify a portion of its comment letter of July 9, 2009 (Comment Letter 8a) with respect to the consideration of improvements to State Route (SR) 58 as a regional approach in combination with mitigation measures along I-5 to address any impacts to the State Highway system, noting that this discussion is located in paragraph 2 of the second page of the referenced letter. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 8b B.

Commentor states that both Caltrans District 6 and 7 have coordinated regarding appropriate Level of Service (LOS) standards for various segments of I-5 within the Grapevine area. Commentor states that both Caltrans Districts further acknowledged that meeting LOS thresholds "may not always be feasible due to constraints such as geological, structural, or right of way conditions in the area." This comment is acknowledged and will be included for the record. Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC, as well as the original and Revised TIS included as Appendix M1 to the EIR, conclude that impacts to the regional roadway system including I-5 are significant unmitigated impacts at a Project-specific and cumulative level.

Response 8b C.

Commentor states that if it is not feasible to meet LOS thresholds within the Grapevine area as described in the preceding comment, then Commentor may consider a more regional approach to addressing traffic impacts based on future studies, and that such regional improvements may include both direct improvements to I-5 as well as operational and other improvements to SR 58. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 8b D.

The comment provides contact information for Caltrans staff should any questions arise regarding the above comments. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 8c

August 13, 2009

Mr. Craig M. Murphy
Supervising Planner
Kern County Planning Dept.
2700 “M” Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Murphy:

In order to fairly apply mitigation for the Tejon Mountain Village proposal, a typical approach would be for a monitoring program to be developed that would be enforced and managed by the County of Kern. The mitigation monitoring program would evaluate the level of service and operational characteristics at the Lebec Road Interchange, Fort Tejon Interchange, and the Frazier Mountain Road Interchange due to traffic impacts from the Tejon Mountain Village development. This scenario would be described within the Draft EIR for the Tejon Mountain Village development.

Semi-annually, the project applicant shall collect data and analyze traffic operations. If the traffic analysis demonstrates that any of the measures exceed the thresholds listed below, no additional building permits will be issued until the timing of construction of the necessary roadway improvements is approved by Caltrans and the County of Kern or the improvements have been completed. The measures and threshold values are described for each interchange below.

1. Lebec Road Interchange
   a. Lebec Road Overcrossing
      • AADT shall not exceed 13,000; or,
      • The peak directional volume shall not exceed 600-passenger cars equivalent per hour per lane; or,
      • The average speed of vehicles traveling across the structure shall not fall to 10 mph or below during the peak 15 minutes; or,
      • If vehicle queues form on the structure and interfere with the operation of adjacent intersections.
   b. Ramps and Ramp Terminii
      • Level of service shall not fall below “C” for any movement at the ramp terminii. Delay values established by the Highway Capacity Manual should be utilized as the measurement.

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Mr. Craig M. Murphy  
August 13, 2009  
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criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or,
  • The length of vehicles queues at the off-ramps shall not exceed the storage capacity of the ramp; or,
  • Vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B; or,
  • At the ramp diverging or merging area, the Level of Service shall not fall below “C”.

c. Intersections
  • Queue length from intersections shall not spill over or interfere with the operation of adjacent intersections; or,
  • Level of service for any movement shall not fall below “C”.

2. Fort Tejon Interchange

   a. Ramps and Ramp Terminii
     • Level of service shall not fall below “C” for any movement at the ramp terminii. Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or,
     • The length of vehicle queues at the off-ramps shall not exceed the storage capacity of the ramp; or,
     • The vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B; or,
     • At the ramp diverging or merging area, the Level of Service shall not fall below “C”.

3. Frazier Mountain Road Interchange

   a. Ramps and Ramp Terminii
     • Level of service shall not fall below “D” for any movements at the ramp terminii. Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersection; or,
     • The queue length of the vehicle along the off-ramps shall not exceed the storage capacity of the ramp; or,

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Comment Letter 8c, Cont.

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- The vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B; or,
- At the ramp diverging or merging area, the Level of Service shall not fall below “D”.

If you have any questions, please call me at (559) 445-5232.

Sincerely,

LISA ZITO  
Office of Transportation Planning  
District 6

C: Mr. Scott Morgan, Senior Planner, State Clearinghouse  
Mr. David Crowder, Director of Government & Community Relations, Tejon Mountain Village LLC

“Caltrans improves mobility across California”
Comment Letter 8c. Department of Transportation, Lisa Zito (August 13, 2009)

Response 8c A.

Commentor states that fairly applying mitigation to the Project would typically include a monitoring program to be enforced and managed by Kern County, which would evaluate the level of service and operational characteristics at the Lebec Road Interchange, Fort Tejon Interchange, and Frazier Mountain Road Interchange, due to Project impacts. Commentor further states that this scenario should be described in the Project EIR. These interchanges were all included in the Traffic Impact Study (TIS) included as Appendix M1 to the Draft EIR, and were also included in Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC. Revised mitigation measures provide detail regarding the timing of monitoring studies and the applicable performance criteria. Both Caltrans and Kern County have review and approval authority associated with the timing and implementation of future transportation infrastructure. The mitigation monitoring program (MMP) was not included in the Draft EIR, as this is not required by CEQA. However, an MMP has since been prepared which does require Kern County to monitor and enforce the mitigation requirements at these interchanges.

Response 8c B.

Commentor states that the project applicant shall, on a semi-annual basis, collect data and analyze traffic operations. If this traffic analysis demonstrates that any of the mitigation thresholds listed below, no further building permits will be issued until the timing of construction of the necessary roadway improvements is approved by Caltrans and Kern County, or the improvements have been completed. The comment goes on to note that mitigation measures and thresholds are identified for each of the three interchanges. Section 7.2 includes expanded monitoring, including requiring semi-annual monitoring upon request by either Commentor or the County.

Response 8c C.

Commentor sets forth the following Lebec Road Overcrossing thresholds for the Lebec Road Interchange:

- AADT shall not exceed 13,000; or
- The peak directional volume shall not exceed 600-passenger cars equivalent per hour per lane; or
- The average speed of vehicles traveling across the structure shall not fall to 10mph or below during the peak 15 minutes; or
- If vehicle queues form on the structure and interfere with the operation of adjacent intersections.

These thresholds have been accepted and incorporated into the revised Section 4.15 text included in Section 7.2.

Response 8c D.

Commentor sets forth the following with respect to ramps and ramp termini thresholds for the Lebec Road Interchange:
Level of service shall not fall below "C" for any movement at the ramp termini. Delay values established by the Highway Capacity Manual should be utilized as the measurement criteria. Rather than average daily delay for the entire intersection, delay values shall be evaluated and determined for each of the approach legs of the intersections; or,

- The length of vehicles queues at the off-ramps shall not exceed the storage capacity of the ramp; or
- Vehicles shall not queue back to the deceleration length segment of the ramp as illustrated in the Highway Design Manual, Figure 504.2B (please refer to Section 7.7, REFERENCES); or
- At the ramp diverging or merging area, the Level of Service shall not fall below "C".

These thresholds have been accepted and incorporated into the revised Section 4.15 text included in Section 7.2. Figure 504.2b of the Highway Design Manual is included as an attachment to this Response for informational purposes.
Comment Letter 9

DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(650) 243-4005
http://www.dfg.ca.gov

July 13, 2009

Craig M. Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, California 93301

Subject: Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village Specific and Community Plan (SCH No. 2005101018)

Dear Mr. Murphy:

The California Department of Fish and Game has reviewed the DEIR for the Tejon Mountain Village Specific and Community Plan (Project). The Project site is approximately 26,417 acres in size, and the proposed development would occur within a 7,867-acre development envelope, of which an approximately 5,062-acre building area would ultimately be developed. The proposed development includes 3,450 residences, up to 180,000 square feet of commercial development, hotel, spa, and resort facilities, various recreational and public safety facilities, water and wastewater treatment facilities, and access and utilities to serve the project. Approximately 21,335 acres (81 percent) of the site would be permanently preserved as ranchland and other undeveloped open space, much of which would be open for various recreational uses. The Project site is located in southern Kern County, primarily in the area east of Interstate 5 near the Lebec Road Interchange, which is approximately 40 miles south of Bakersfield and 60 miles north of Los Angeles.

The surveys and associated analysis that were conducted to characterize the biological resources present in the Project area are quite impressive; the Department applauds these efforts. Our specific comments follow.

California Condor
Page 3-45: This states that the Tehachapi Upland Multi Species Habitat Conservation Plan (TUMSHCP) would not authorize "lethal" "take" of California condor. It is important to note that "take," as defined by Section 86 of the Fish and Game Code (FGC), and which is prohibited by FGC Section 3511 (fully protected birds), is not limited to "take" which is lethal in nature. "Take" of fully protected species can be permitted for research and recovery actions, but not for project-related "take." Actions undertaken by federal agents, such as the United States Fish and Wildlife Service (USFWS), may not be subject to this State law.

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Page 4.4-120 (bullet c): If there are activities observed that "otherwise presents an unreasonable and avoidable danger" to California condor, Department and USFWS enforcement should also be immediately notified; direction for remedy should not come exclusively from the Property Owner's Association manager and Project Biologist, as some activities that could fall under this scenario may warrant enforcement action.

9-D

The list of restrictions in Mitigation Measure 4.4-5 to prohibit the addition of any incompatible structures in areas used by California condor should be included as terms of the recorded Conservation Easement. This will result in the protective actions being implemented in perpetuity.

9-E

Page 4.4-121 (bullet b): The Department also has jurisdiction over California condor since it is a State endangered and fully protected species, and, as a result, Department review and approval of any proposed individual wind turbines should be required as well.

9-F

Other Avian Species
Since Project build-out will occur over many years, and avoidance of certain listed species is being assumed, we recommend repeating focused (protocol-level where applicable) surveys for species such as Least Bell's Vireo and Lutino Willow Flycatcher, in the season prior to construction of any given phase of the development. These species are unlikely to be incidentally observed during "pre-construction" surveys or outside of focused surveys by qualified biologists.

9-G

Tehachapi Slender Salamander
Mitigation Measure 4.4-33: Unlike more vagile salamander species, pitfall trapping may not be an effective survey technique for Tehachapi slender salamander. Unless there is new information indicating to the contrary, we recommend removing pitfall trapping as a pre-construction survey method as it will likely have limited effectiveness.

9-H

Mitigation Measure 4.4-38: The Department should be consulted about placement of culverts that are to serve as salamander crossings.

9-I

It is unclear how close home sites and the associated required fire clearance can or will get to streams and associated riparian areas inhabited and potentially inhabited (as modeled) by Tehachapi slender salamander. Close proximity of inhabited structures and the associated vegetation clearance to certain streams could result in indirect impacts to Tehachapi slender salamander from a reduction in in-stream shading, runoff, trampling from foot traffic, etc. This should be clarified to better inform the impact analysis and significance determination made for this species. This detail will be especially important for the "take" analysis required by the California Endangered Species Act (CESA).

9-J
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It is also unclear what access limits, if any, will be placed on livestock (like horses) owned by residents. We recommend that residential livestock access to streams potentially inhabited by Tehachapi slender salamander be prohibited at all times to minimize direct and indirect impacts to this species. This recommendation does not pertain to general Tejon Ranch grazing activities.

The DEIR prudently provides a conservative estimate for impacts to streams under the jurisdiction of the Department under FGC Sections 1600 et seq., by assuming that all jurisdictional areas within the development envelope could potentially be impacted by development. While this is an appropriate strategy for the California Environmental Quality Act (CEQA) analysis, please note that in order to issue a State Incidental Take Permit for Tehachapi slender salamander, the analysis of the taking will warrant more detail. For example, the number, placement, and design of permanent stream crossings and any potential associated hydrological modifications would be important for our "take" analysis.

Streambed Alteration  
Page 4.4-124 (bullet e): "or as required by an approved Streambed Alteration Agreement issued by the Department" should accompany "as nearly as practical."

Mitigation Measure 4.4-47 correctly states that final mitigation measures will be determined by the Department and the Army Corps of Engineers. It is important to note that contrary to the language in (c) which states "performance standards for cover shall be developed by the master developer," the Department will make this determination for restoration actions required to mitigate impacts to vegetation within the bed, bank, or channel of a lake or stream, based on information usually provided by a restoration ecologist or biologist with similar training.

CESA Permitting and Implementation  
If the Project Biologist, as described on Page 4.4-77 and in Mitigation Measure 4.4-33, will be the individual implementing measures required in a State Incidental Take Permit to avoid and minimize direct "take," this individual, or the individual implementing activities, such as salvage of Tehachapi slender salamander, will need to be approved by the Department.

Conservation Areas  
The open space dedications/Conservation Easements should be recorded prior to ground-disturbing activities proceeding for that phase of the Project. Language in the DEIR indicates that "the open space within each planning area will be assured upon recordation of the tentative tract map for each planning area." This should be clarified; "assured" could be interpreted to mean that the easement is simply in process or will be in process. A clear timeline for execution (recordation) of the easement should be specified.
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The final Resource Management Plan should be appended to the recorded Conservation Easement, so that it applies in perpetuity.

Property owners are to maintain a "low water" regime within 100 feet of open space (Page 4.4-447, Mitigation Measure 4.4-16), but it is not clearly stated that watering is completely precluded in the open space areas themselves. We recommend that watering or planting of any type in open space be prohibited, with the exception of formal restoration areas; homeowners should be precluded from any on or off lot supplemental planting or watering in open space.

If Resource Management Plans (Page 4.4-494, Mitigation Measure 4.4-13) are to be used in part to avoid and minimize impacts to listed and other special status species as proposed, the resource agencies (Department and USFWS) should be able to review and approve these plans prior to finalization.

It is unclear who makes the determination in Mitigation Measure 4.4-17 as to which areas are "not sensitive to pet disturbance." Criteria should be specified and this determination should be made by a qualified biologist.

**Oaks**

There is a comprehensive plan on avoidance and minimization of oaks during construction, as well as for minimizing indirect impacts to oaks on individual lots by limiting activities such as planting underneath the canopy and supplemental watering in the open space, but strict limitations or prohibitions against homeowners pruning and removing oaks on their lots seems to be lacking. In areas where construction-related impacts to oaks are being avoided and minimized, further protection of oaks present on lots is warranted, perhaps under the umbrella of the Homeowners Association, provided there are strict consequences for non-compliance.

**Urban Wildlife Conflicts**

The Department appreciates that Tejon Ranch has committed to implementing and enforcing (via the Homeowners Association) Department recommended and other standard measures to reduce the potential for urban wildlife conflicts. However, even with implementation of all of those measures, there will be at least occasional direct or indirect conflicts with species such as black bear, California mule deer, wild pig, and mountain lion. The Department does not have adequate staffing to address the inevitable increase in requests for depredation permits or to directly handle these issues as they arise. However, Kern County does have an agreement with the United States Department of Agriculture (USDA) that provides for the assistance of Wildlife Services agents to effectively trap and removes species as authorized in Depredation Permits from the Department. It is unlikely that the current contract is sufficiently funded to
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handle the additional workload that would result from this Project at full build-out. We recommend that the existing USDA contract be evaluated by Kern County, and its Agricultural Commissioner, and that it be amended and its funding enhanced to ensure that adequate services can be provided.

If vineyards or other types of agriculture will be allowed on any of the home lots or within the Project area, we recommend that these sites be completely enclosed by wildlife "proof" fencing that is designed in consultation with the Department. Vineyards and other crops will be a major attractant for bear, deer, pig, and many other species of wildlife. While such fences will not completely preclude access by the aforementioned species, it will significantly reduce the number of animals that gain access and subsequently be "taken" as allowed by law under Depredation Permits. The Department is very concerned about the significant loss of wildlife that would result if such fencing is not required.

The Department should be involved in the review and approval of the conservation education and citizen awareness program required by Mitigation Measure 4.4-18, as this program's purpose is to avoid and minimize impacts to biological resources.

Cumulative Impacts
This may have already been done, but measures in the Tehachapi Upland Multi Species Habitat Conservation Plan (TUMSHCP) that avoid or minimize impacts to wildlife in association with this Project should be required in perpetuity by inclusion in the Final Environmental Impact Report and conditions of approval; the TUMSHCP is valid for 50 years whereas impacts associated with this Project are permanent. This is especially important for species such as California condor, where issues such as microburst availability that inevitably accompany human activity need to be controlled in perpetuity. This may in fact be a non-issue, but we are uncertain since the Department is currently unfamiliar with the details of the TUMSHCP; due to the gag order, we were unable to review or provide input to development of the TUMSHCP. Typically, the Department is quite involved with development of large conservation plans that involve State-listed species. Since this DEIR, TUMSHCP, and Frazier Park DEIR were all out for review and comment simultaneously, the Department has been unable to review and provide input on the TUMSHCP thus far.

General Comments
- Since Project implementation will take place over many years, it would be prudent to identify a mechanism to track and report the footprints associated with the building of custom homes and infrastructure, and for the associated recordation of open space easements/deed restrictions.
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- Page 4.4-46, "Protected Wildlife Species under the California Endangered Species Act": White-tailed kite should be removed from this list, as it is fully protected but not listed under CESA, and the Tehachapi slender salamander, which is State threatened, should be added.

- Page 4.4-69, last sentence: This should be corrected; insects are not listed under CESA but other invertebrates such as mollusks and crustaceans are.

- Tables 4.4-23 and 4.4-90: The designation of striped adobe lily as unlisted is incorrect; this species is State threatened under CESA.

- Tables 4.4-32 and 4.4-99: Hoover's erastium should be designated as delisted under the Federal Endangered Species Act.

- Tables 4.4-64 and 4.4-131: American peregrine falcon should also be designated as fully protected.

- Tables 4.4-66 and 4.4-133: "or CESA" should be removed, since Swainson's hawk is State threatened.

- Mitigation Measure 4.4-20: The maintenance plan should also anticipate how to address conflicts with burrowing animals such as, but not limited to, California ground squirrel and American badger. Use of rodenticides should be avoided.

- Page 4.4-130 (bullet ii): "Take," which includes capture under FGC Section 86, of American badger is prohibited by Title 14, California Code of Regulations (Sections 670.2 and 670.5). As a result, trapping of this species should not be considered.

- Mitigation Measure 4.4-27: This strategy to avoid and minimize impacts to nesting birds should be recorded as a term in the Conservation Easement if any of the proposed easement lands overlap with the fuel modification zones.

- Mitigation Measure 4.4-31: The grazing management plan should be recorded as a term in or appended to the Conservation Easement.

- Page 4.4-395 (bullet c): Performance standards for cover and recommendations for corrective action in restoration areas should be determined by a restoration ecologist rather than the "master developer."

- The water quality/hydrology Chapter should describe direct impacts to surface waters, a brief description of Fish and Game Code Sections 1600 et seq., as well
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as other State water quality regulations that are contained within the Fish and Game Code, such as FGC Sections 5650 and 5652.

- Mitigation Measure 4.4-43 states that ringtail could be trapped out of the Project disturbance zone. This is not a feasible avoidance measure since this species is fully protected; capture is defined as “take” by FGC Section 86, and FGC Section 4760 prohibits “take” of fully protected mammals.

The considerable effort that went into preparation of this DEIR and supporting materials is evident, and we appreciate the opportunity to review and comment. If you have any questions on our comments, please contact Julie Vance, Senior Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 222.

Sincerely,

Jeffrey R. Single, Ph.D.  
Regional Manager

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Helen Bliss  
Department of Fish and Game  
South Coast Region

Kevin O'Connor  
Department of Fish and Game  
Central Region
Comment Letter 9, Cont.

DATE: 07-13-09

TO: Craig N. Murphy
    Kern County Planning Department

FAX: (661) 862-9601
PHONE: (661) 862-8738

FROM: Julie Vance

INSTRUCTIONS: Original to follow by mail.
Comment Letter 9. Department of Fish and Game (July 13, 2009)

Response 9 A.

Thank you for your comment. The comment notes that the California Department of Fish and Game (DFG) has reviewed the Draft EIR and the Tejon Mountain Village Specific and Community Plan. The comment accurately describes the Project uses, facilities, open space preservation, and location. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 9 B.

The comment states that the surveys and associated analysis conducted to characterize the biological resources present in the Project area are impressive, and DFG applauds these efforts. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 9 C.

Commentor notes that the Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP) would not authorize lethal take of the California condor, and that under California law both project-related lethal and non-lethal take are prohibited. Commentor also notes actions undertaken by the US Fish and Wildlife Service (FWS) may not be subject to this State law. This comment is noted and is an accurate statement of law. The State law prohibition against lethal and non-lethal project-related take of the California condor and other fully protected species is noted in Section 4.4, BIOLOGICAL RESOURCES, and also in Global Response 7.5.3, California Condor.

The TUMSHCP, which is incorporated into the Draft EIR, does not permit "take" as this term is defined under California laws applicable to fully protected species. The TUMSHCP acknowledges the fully protected status of the California condor, American peregrine falcon, golden eagle, white-tailed kite, southern bald eagle, and ringtail under the California Fish and Game Code sections 3511 and 4700. The TUMSHCP and the accompanying Implementing Agreement expressly preclude violation of any California law, including but not limited to take of fully protected species. Implementing Agreement, § 3.15.

Under California law, "take" is defined for sections 3511 and 4700 as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Cal. Fish & Game Code §§2, 86. This definition of "take" also applies to species protected pursuant to the California Endangered Species Act (CESA). Cal. Fish & Game Code §§2205 et seq. The California Attorney General concluded in a 1995 opinion that CESA did not prohibit indirect harm resulting from habitat modification, even if the habitat modification "actually kills or injures one or more members of the species by significantly impairing essential behavioral patterns." 78 Cal. Op. Atty. Gen. 137 (Cal. AG 1995). Instead, the term "kill," as applied in section 2080 means to "act directly upon one or more members of an endangered species, causing its death." Id. Further, the Attorney General reasoned, the state Legislature was aware of the broader meaning of "take" under the federal ESA, which included habitat modification, but chose not to include that meaning within the state Act. Id. The California Legislative Counsel in a 1994 legal opinion discussing CESA likewise concluded that "loss of habitat or disturbances of nesting pairs of Swainson's Hawks does not constitute and actual or threatened taking" under CESA. Opinion of Legislative Counsel,
The TMV Draft EIR acknowledges that California law precludes lethal take of fully protected species, and no such take is authorized or anticipated to occur with the implementation of mitigation measures described in Section 4.4, BIOLOGICAL RESOURCES.

Response 9 D.

Commentor notes that if activities are observed that "otherwise presents an unreasonable and avoidable danger" to the California condor, the Department of Fish and Game (Department) and US FWS should also be notified, and the direction as to a remedy should not come exclusively from the Project Biologist and Homeowner's Association as some activities under this scenario may warrant enforcement action. The goal of this measure is to allow the Project Biologist to take prompt action to remedy the activities of concern, and since the potential risks of such activities may not be apparent to the non-expert worker, resident or guest, the referral protocol to the Department and US FWS for potential further enforcement action can and should be addressed in the permit processes undertaken by those wildlife agencies and is not itself a mitigation measure for CEQA purposes. However, repeated activities that create risk to the condor do warrant additional mitigation under CEQA. Accordingly, the following sentence is added to subsection (c) of Mitigation Measure 4.4-4 in response to this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.4-119 to 4.4-120

Mitigation Measure 4.4-4: The following shall be implemented to address potential impacts to California condor:

a. A condor educational curriculum shall be created and disseminated that will include information concerning prohibited behaviors related to condors such as the pursuit, capture, and harassment of condors and all other potential direct interaction with the species. Compliance with condor protection measures will be implemented by means of covenants, conditions, and restrictions (CC&Rs) recorded on each of the private parcels within the Tejon Mountain Village Specific and Community Plan or by similarly enforceable measures.

b. Tejon Mountain Village, LLC shall provide for routine community maintenance activities that will include regular efforts to eliminate microtrash on and near all roads and back-country areas where human presence has occurred. All trash receptacles will be fitted with animal- and weather-resistant lids.

c. Construction workers, Tejon Ranch staff, and residential and commercial occupants and their guests shall be required to cease any behavior that constitutes an attractive nuisance or otherwise presents an unreasonable and avoidable danger to California condors upon direction by the property owner’s association manager, in consultation with the Project Biologist, and California Department of Fish and Game. The CC&Rs shall provide examples and authorize the Project Biologist to respond to changing California condor behaviors, human activities, and other conditions with restrictions that are the least intrusive necessary to provide the protection intended.

d. Recreational activities, particularly organized hikes or similar events, and filming projects on key ridgelines and on other areas where condor are known or expected to
occur, shall be closely regulated to minimize any effects that could disturb feeding or roosting condors. Such regulation can include the dissemination of information regarding condors, and steps to take to avoid and minimize potential disturbances to condors, prior to any organized events that will take place in or adjacent to areas where condors may feed or roost.

c. Information, as stipulated in Mitigation Measure 4.4-3, regarding microtrash and appropriate behaviors if condors are encountered, shall be disseminated to guests and/or visitors to all backcountry cabins.

Response 9 E.

Commentor requests that the list of restrictions in Mitigation Measure 4.4-5 to prohibit the addition of any incompatible structures in areas used by the California condor should be included as terms of the recorded Conservation Easement to assure implementation in perpetuity. The purpose of Mitigation Measure 4.4-5 is to reduce project related infrastructure impacts to the California condor across the whole of the project. As such, the mitigation measure applies to all areas of the site, which includes those areas under easements and or deed restrictions. If approved, this mitigation measure will be a requirement of the project and fully enforceable under CEQA, and will be in effect throughout the life of the project. The Tejon Ranch Conservation and Land Use Agreement (known as the Ranchwide Agreement) discussed on page 3-41 of the DEIR requires the permanent conservation of approximately 240,000 acres of the Tejon Ranch, which includes some areas within the Tejon Mountain Village project boundaries. This agreement does not specifically mitigate impacts associated with the physical development of the Tejon Mountain Village project under CEQA. As such, Kern County, as lead agency, has no authority as to the contents of these conservation easements. It should be noted for the record that the project proponent is currently in the process of developing a habitat conservation plan for the project area with US Fish and Wildlife and the Department of Fish and Game. Known as the Tehachapi Upland Multiple Species Habitat Conservation Plan (TUMSHCP), this HCP is an implementation proposed by the applicant and Tejon Ranch to address the requirements for mitigation of impacts on biological resources from the proposed project. If USFW does not approve the TUMSHCP, as proposed by Tejon Ranch, than other provisions as required by the wildlife agencies, including most of the same mitigation as proposed in the TUMSHCP, will be imposed on the project before any construction activities can occur. The final determination of appropriate mitigation for impacts on the California Condor and other protected species is within the authority of jurisdiction of the USFW and CDFG. The request will be forwarded to the project proponent and the Tejon Ranch Company for consideration.

Response 9 F.

The comment states that CDFG has jurisdiction over the California condor as it is a State endangered and fully protected species. As a result, CDFG review and approval of any proposed individual wind turbine should be required along with approval of the U.S. Fish and Wildlife Service. In response to the comment, Mitigation Measure 4.4-5, subsection (b) has been revised. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.4-120 to 4.4-121

**Mitigation Measure 4.4-5:** The following shall be implemented to address potential impacts to California condor:
a. On Grapevine, Middle, Squirrel, Silver, Lolas, and Geghus Ridges, including the upper slopes on either side of these ridges; the east–west ridge above Rising Canyon; or on any other ridge within the Tejon Mountain Village Specific Plan area deemed by the Project Biologist as suitable foraging habitat for condors, the following restrictions shall apply:

i. The project shall not place or allow the placement of any antennae outside of existing antenna farms or place new antennae or extend current antennae within an existing antenna farm if any such antenna would be higher than other existing antennae in the existing farm. Currently, the tallest antenna is 100 feet high.

ii. The project may construct and maintain, or allow any third party to construct and maintain, phone towers consisting of single telephone/cell phone poles of standard height or other similar structures outside of existing antenna farms. The tops of such phone towers and electricity poles must not extend above any of the above-identified ridges likely to be used by California condors.

iii. All surfaces on new antennae and phone towers shall be designed and operated with anti-perching devices. All antenna and phone tower sites shall be kept clean of debris, such as cable, trash, and construction materials.

b. Because of the potential for raptors, including the California condor, to collide with wind turbines, no wind farms or wind turbines shall be constructed anywhere on Tejon Mountain Village (and Tejon Ranch Company agrees to expand the ban to all Ranch lands). However, individual wind turbines, which have the primary purpose to serve electrical generation needs on site, may be constructed if, after review and approval by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, such turbines are of a design and in a location that would not pose a threat to California condors.

c. No new aboveground high-voltage towers, transmission lines, or other aerial obstructions with dimensions that have been associated with condor mortality shall be built within the project area. Relocation of existing towers and lines shall be permitted within 1,000 feet of existing lines as long as they do not occur on the ridgelines, or break the ridgelines, of Grapevine, Middle, Squirrel, Silver, Lolas, or Geghus Ridge.

d. Communication towers may be placed on the project site to assure adequate communications are available for Kern County’s emergency services and other purposes, provided that such towers are not served by electricity from any new above-ground powerlines except in the immediate vicinity of the tower itself. Such towers will be designed with anti-raptor devices or other measures to discourage use by, and collisions with, raptors and other protected bird species. Such towers may be constructed if, after consultation with the US FWS, such towers are of a design that would not pose a threat to California condors.

Response 9 G.

The California Department of Fish and Game (CDFG) recommends in its comments that because the proposed Project will be built out over many years, focused (protocol surveys where applicable) surveys should be conducted for species such as least Bell’s vireo and little willow flycatcher in the season prior
to construction because these species are unlikely to be incidentally observed during pre-construction surveys or outside of surveys by qualified biologists.

Pre-construction surveys will be conducted for special-status species, such as the least Bell’s vireo and little willow flycatcher, per the requirements of Mitigation Measure 4.4-22. The current wording of this mitigation measure accommodates the CDFG comment regarding the adequacy of pre-construction surveys for certain species in the statement that “The pre-construction surveys shall be conducted between March and September or as determined by the Project Biologist, depending on the location of the ground-disturbing activities” (Draft EIR, page 4.4-128). This gives the Project Biologist discretion in determining what and how often surveys should be conducted. Because the purpose of the survey is to determine whether active nests are present in the disturbance zone or within 500 feet of the disturbance zone boundary, the level and/or frequency of the survey will have to go beyond simple inventory surveys. However, focused surveys would not be conducted for these special-status species in the season prior to development if construction is scheduled to occur outside the nesting season (i.e., between October and March). The purpose of Mitigation Measure 4.4-22 is to avoid direct and indirect impacts to active nests.

To address CDFG’s comment that focused surveys should be conducted by qualified biologists, Mitigation Measure 4.4-22 in Section 4.4, BIOLOGICAL RESOURCES, will be revised to ensure that qualified biologists conduct the surveys. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification. Mitigation Measure 4.4-22 will be revised as follows:

Page 4.4-128

Mitigation Measure 4.4-22: The Master Developer shall have pre-construction surveys conducted by the Project Biologist no earlier than 7 days prior to ground-disturbing activities involving mass grading and the installation of backbone infrastructure, including clearing, grading, or grubbing, that occur during the nesting/breeding season of special-status bird species potentially nesting on the site. The Project Biologist will be qualified to conduct all avian surveys. For nesting riparian birds, the Project Biologist will be qualified and permitted to conduct surveys for willow flycatcher and least Bell’s vireo. The pre-construction surveys shall be conducted between March and September or as determined by the Project Biologist, depending on the location of the ground-disturbing activities. The purpose of the surveys will be to determine if active nests of special-status birds are present in the disturbance zone or within 500 feet of the disturbance zone boundary. If active nests are found, ground-disturbing activities within 300 feet of the nest (or 500 feet for most raptors and tricolored blackbird colonies) shall be postponed or halted, at the discretion of the Project Biologist, until the nest is vacated and juveniles have fledged, as determined by the Project Biologist. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas per the requirements stated in Mitigation Measure 4.4-8. The Project Biologist shall serve as a construction monitor during those periods when construction activities are to occur near active nest areas to avoid inadvertent impacts to these nests. The Project Biologist may adjust the 300-foot or 500-foot setback at his or her discretion depending on the species and the location of the nest (e.g., if the nest is well protected on a rocky outcrop or buffered by dense vegetation).

Response 9 H.

The CDFG suggests removing pitfall trapping as a pre-construction survey technique for Tehachapi slender salamander (Mitigation Measure 4.4-33) because it may not be an effective survey technique, unless there is new information indicating the contrary.
Mitigation Measure 4.4-33 states both visual surveys and pitfall trapping may be used during pre-construction surveys for Tehachapi slender salamander, as noted in the excerpt from the mitigation measure: Although pitfall trapping is a common survey method for small amphibians and reptiles, it is acknowledged that it may not be as effective as walkover visual surveys (including turning over rocks and other debris that might be used by salamanders). For this reason, Mitigation Measure 4.4-33 in Section 4.4, BIOLOGICAL RESOURCES, will be revised per the CDFG comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification. Mitigation Measure 4.4-33 will be revised as follows:

Page 4.4-133

Mitigation Measure 4.4-33: Pre-construction surveys and avoidance measures shall be implemented for Tehachapi slender salamander subject to applicable permitting requirements. For construction activities involving mass grading and the installation of backbone infrastructure occurring in or directly adjacent to occupied or suitable habitat for the Tehachapi slender salamander, pre-construction surveys shall be conducted by the Project Biologist prior to disturbance to determine if Tehachapi slender salamander individuals are present in the disturbance zone. Visual searches will be the primary survey method used for pre-construction surveys for Tehachapi slender salamander. The Project Biologist shall conduct visual surveys no earlier than 72 hours prior to disturbance. Pitfall trapping may be used in conjunction with the visual surveys, and if pitfall trapping is used, the Project Biologist shall conduct trapping no earlier than 5 days prior to disturbance. If Tehachapi slender salamanders are located, individuals within the disturbance zone shall be captured and relocated to the closest suitable habitat area containing talus, and to the extent required by the United States Fish and Wildlife Service under the Multiple Species Habitat Conservation Plan or by the California Department of Fish and Game in a permit. The Project Biologist conducting the capture and relocation of Tehachapi slender salamanders will have a Scientific Collecting Permit (SCP) and a Memorandum of Understanding (MOU) or letter permit from CDFG to carry out these activities.

When occupied or modeled suitable habitat for Tehachapi slender salamander is directly impacted by construction activities involving mass grading and the installation of backbone infrastructure, a habitat restoration plan shall be developed for the Tehachapi slender salamander that specifies, at a minimum, the following: 1) the location of creation, enhancement, or restoration planting sites; 2) a complete description of the hardscape (e.g., talus, rocks, and logs) to be installed and where it will be deposited, along with desired leaf and litter cover; 3) a description of how the existing typical hydrologic regime will support Tehachapi slender salamander habitat; 4) the quantity and species of plants to be planted; 5) planting procedures, including the use of soil preparation and irrigation; 6) methods for the removal of non-native plants; 7) a schedule and action plan to maintain and monitor the creation/enhancement/restoration area; 8) a list of criteria (e.g., growth, percent plant cover, plant diversity, debris, and hardscape) and performance standards by which to measure success of the creation/enhancement/restoration; and 9) contingency measures in the event that creation/enhancement/restoration efforts are not successful. Performance standards shall be defined by a site-specific pre-construction study of known locations occupied by Tehachapi slender salamander, including evaluation of specific cover; distance to water; water inundation levels; percent canopy cover; percent shrub and grass cover; presence of talus, boulder, log, or other refugia; and other factors. The restoration plan performance standard under this mitigation measure is to create, restore, or enhance areas that Tehachapi slender salamanders can naturally colonize these areas or Tehachapi slender salamanders within the disturbance zone can be successfully relocated to these areas. The plan shall be prepared by the Project Biologist prior to the issuance of a grading permit for construction activities involving mass grading and the installation of backbone infrastructure that would have an impact on occupied or suitable habitat for the Tehachapi slender salamander. As with other special-status species,
pre-construction survey methods, avoidance measures, and final mitigation requirements for this species shall be established by the United States Fish and Wildlife Service and California Fish and Game. Permit applications submitted to the California Department of Fish and Game, shall include, at minimum, environmental impact report mitigation measures.

Response 9 I.

The CDFG comments that the Department of Fish and Game should be consulted about placement of culverts that are to serve as salamander crossings in reference to Mitigation Measure 4.4-38.

Given that the Tehachapi slender salamander is a state-listed threatened species, it is appropriate that CDFG be consulted about placement of culverts. Mitigation Measure 4.4-38 in Section 4.4, BIOLOGICAL RESOURCES, will be revised per the CDFG comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification. Mitigation Measure 4.4-38 will be revised as follows:

Page 4.4-135

Mitigation Measure 4.4-38: Within occupied or suitable habitat for Tehachapi slender salamander, culverts shall be placed under road connections and the roads shall be designed, in coordination with the Project Biologist and in consultation with CDFG, to prevent this species from entering the onsite roads from areas where this species occurs on Tejon Mountain Village.

Response 9 J.

The CDFG comments that it is unclear how close home sites and associated required fire clearance can or will get to streams and associated riparian areas potentially inhabited (as modeled) by Tehachapi slender salamander. Close proximity of inhabited structures and associated fire clearance to certain streams could result in indirect impacts from a reduction in instream shading, runoff, or trampling from foot traffic. CDFG comments that these details should be clarified to better inform that impact analysis and significance determination made for this species, and that these details will be especially important for the "take" analysis required by the California Endangered Species Act.

As described in Section 4.4, BIOLOGICAL RESOURCES, on pages 4.4-75 and 4.4-76, for planning purposes, the analysis assumes that the proposed Project’s 5,082 acres of development could occur anywhere within the potential development envelope of approximately 7,867 acres, except where any such area is subject to special management or additional avoidance measures, as discussed below. For this reason, the proximity of home sites and associated fire clearance to areas potentially inhabited by the Tehachapi slender salamander cannot be precisely determined. In total, there are approximately 902 acres of suitable habitat for the Tehachapi slender salamander on the Project site. Approximately 760 acres, or 84%, of the suitable habitat for this species would be located within Project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. The direct impacts within the potential development would impact a maximum of 108 acres, and an additional 34 acres would be impacted in the designated fuel modification zone, bringing a total impact of approximately 142 acres. Therefore, the vast majority of potential habitat will be Project open space. Because the actual location of the home sites has not been determined, a set of mitigation measures will be implemented for the Tehachapi slender salamander to avoid, minimize, and mitigate indirect impacts such as those identified in the CDFG comment. The measures that relate to design features (e.g., urban runoff controls, plant palettes, lighting) will be incorporated at the boundary between potential habitat and development areas that are adequate to avoid and minimize these indirect effects. These include the following mitigation
measures, provided with summaries of the measure. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, for the full text of the mitigation measures.

Mitigation Measure 4.4-11 requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to special-status wildlife species, including Tehachapi slender salamander.

Mitigation Measure 4.4-13 requires implementation of a Resources Management Plan that specifically identifies required resource management activities and the entities that would be responsible for managing those activities within each planning area.

Mitigation Measure 4.4-14 would require implementation of an integrated management plan, which would avoid and minimize impacts of pesticide products on adjacent Project open space.

Implementation of Mitigation Measure 4.4-16 would avoid and minimize the potential effects of non-native plant species infestations in Project open space (which could alter suitable habitat for the Tehachapi slender salamander) through the use of native species in adjacent landscaped areas.

Implementation of Mitigation Measure 4.4-17 would avoid and minimize the potential effects of pets on this species through imposing leash-only areas and through the control of stray and feral animals, which would reduce trampling of vegetation in open space and/or avoid impacts to the Tehachapi slender salamander.

Mitigation Measure 4.4-18 would provide education to the public on the special-status biological resources in the Project open space, which would aid in avoiding and minimizing impacts associated with human and pet presence and vegetation trampling.

Mitigation Measure 4.4-19 specifically limits the allowable uses of the Project open space areas, which would avoid and minimize a range of potential long-term impacts.

Potential impacts from lighting would be mitigated through Mitigation Measure 4.4-26, which requires the use of exterior lighting be limited and directed away from natural open spaces.

Mitigation Measure 4.4-29 requires permanent fencing or trail closure along highly used pedestrian trails or trailheads located adjacent to development within 100 feet of special-status wildlife occurrences.

Mitigation Measure 4.4-36 requires property owners to control trash in order to prevent artificially increasing the populations of non-native mesopredators, which could predate upon Tehachapi slender salamanders.

Mitigation Measure 4.4-37 places limitations on food sources for horses to prevent the spread and establishment of non-native plant species into open space.

Mitigation Measure 4.4-38 requires the placement of culverts under road connections and design of roads to prevent Tehachapi slender salamander from entering the on-site roads. This would reduce roadway mortality.

Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY, also includes mitigation measures to avoid and minimize potential impacts to resources associated with hydromodification.
Regarding analysis of take of the Tehachapi slender salamander under the California Endangered Species, a separate Section 2081 permit application will be submitted to CDFG in the future.

Response 9 K.

The CDFG comments that it is unclear what access limits, if any, will be placed on livestock (e.g., horses) owned by residents to areas potentially inhabited by Tehachapi slender salamander (Tejon Ranch grazing and ranching activities are excepted from this comment). CDFG also suggests that livestock access to streams potentially inhabited by Tehachapi slender salamander be prohibited at all times to minimize direct and indirect impacts to this species.

Access by resident-owned livestock to riparian habitat potentially occupied by Tehachapi slender salamander within the Project development footprint (e.g., in a corral associated with a home site) is already accounted for in the direct permanent impacts to 108 acres within the 7,867-acre potential development area; no additional potential habitat would be impacted in the development area. The proposed Specific Plan also has general design guidelines for siting of home sites to avoid impacts to sensitive resources. This avoidance and minimization would reduce direct impacts to potential habitat for the salamander.

Access by resident-owned livestock to riparian habitat potentially occupied by Tehachapi slender salamander in Project open space will be controlled by Mitigation Measure 4.4-11, which requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to special-status wildlife species, including Tehachapi slender salamander.

As noted in Response to Comment 9-J, Mitigation Measure 4.4-37 will be implemented to restrict livestock feed to ensure that invasive plant species do not invade sensitive vegetation communities, including riparian areas that may be occupied by Tehachapi slender salamander.

Response 9 L.

The CDFG comments that in order to issue a State Incidental Take Permit for Tehachapi slender salamander, the analysis of the taking will warrant more detail, such as the number, placement, and design of permanent stream crossings and any potential associated hydrologic modifications.

This comment is noted. The Draft EIR is not intended to provide the baseline Project information for the purpose of the State Incidental Take Permit for Tehachapi slender salamander. A separate Section 2081 permit application will be submitted to CDFG in the future.

Response 9 M.

Commentor notes that the Draft EIR conservatively estimates that all jurisdictional streams and riparian areas within the development envelope will be impacted by development. Commentor notes that this is an appropriate strategy for CEQA purposes, but more detailed analysis will be required for issuance of a State incidental take permit. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 9 N.

The comment suggests additional language be included to require that stream channels be returned to pre-construction topographical conditions either as is practical or as required by a Streambed Alteration Agreement issued by DFG. This comment is noted for the record, but is not required to mitigate a Project impact for CEQA purposes. Inclusion of this condition in a Streambed Alteration Agreement would be consistent with this EIR mitigation measure.

Response 9 O.

Commentor notes that the Draft EIR provides that final mitigation measures for streambed alterations will be determined by the US Army Corps of Engineers (ACOE) (for federal jurisdictional waters) and the Department of Fish and Game (for state jurisdictional waters), and that performance standards for vegetation cover shall be established by the Department rather than the developer. Mitigation Measure 4.4-47 subsection (c) on page 4.4-394 is being clarified to read as follows:

- Each tree and shrub species used in restoration shall have a minimum of 80% survivorship after 3 years and 70% survivorship after 5 years. Natural recruitment of native species may be used to offset percent survivorship of planted trees and shrubs to achieve native vegetation cover standards. Performance standards for cover shall be developed by the Project Biologist, in consultation with the Department of Fish and Game, for each individual vegetation community type being created, based on the observed natural cover in common or private open space.

Response 9 P.

The CDFG comments that if a Project Biologist will be implementing measures required in a State Incidental Take Permit to avoid and minimize direct “take” of the Tehachapi slender salamander, such as salvage of salamanders, the Project Biologist will need to be approved by the Department.

Because any salvage of Tehachapi slender salamanders will be regulated by a State Incidental Take Permit, the comment by CDFG that the Project Biologist must be approved by the Department is appropriate. Mitigation Measure 4.4-33 in Section 4.4, BIOLOGICAL RESOURCES, regarding trapping and relocating Tehachapi slender salamanders will be revised accordingly. Please refer to the revised Mitigation Measure 4.4-33 in the Response to Comment 9-H. Also please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification.

Response 9 Q.

Commentor states that the open space dedications and Conservation Easements should be recorded prior to ground-disturbing activities proceeding for that phase of the Project, rather than at the time that tentative tract maps are recorded for each phase of the Project. The timing of the open space dedications and Conservation Easements is based on two factors: "backbone" utilities and infrastructure such as the water and wastewater treatment facilities and Project roadways will be constructed at least in part during the first phase, before subsequent phases are planned to the level of detail required to establish how the 5082 acres of permanent ground disturbance will be distributed within the larger development envelope studied in the EIR. Open space boundaries will be established for each phase when the tentative tract map is recorded for that phase, and the recordation of the tentative tract map is in turn required to create residential lots and other development parcels. Because Conservation Easement boundaries must be identified in tandem with development parcel boundaries, the recordation of the tentative tract map was identified as the appropriate trigger for the matching recordation of Conservation Easements, for each
phase of the Project. Additionally, under the proposed Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP), conservation easements must be recorded prior to permanent ground-disturbance development activities for the large open space areas exterior to the development envelope within the Tejon Mountain Village site, and also for the large "Condor Study Area". It is anticipated that the Tejon Mountain Village open space conservation easement recordation requirements will also be coordinated with the Department of Fish and Game. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 9 R.

The CDFG comment letter suggests that the final Resource Management Plan should be appended to the recorded Conservation Easement.

It is anticipated that the development of the Resource Management Plan will require further modifications to incorporate permit and other requirements of responsible agencies including but not limited to CDFG. It is also anticipated that changes or modifications to the Plan may be required in the future by one or more agencies. Generally property owners must consent to future amendments to recorded documents, which may create unexpected challenges in implementing any required Plan changes. While the final terms of the Conservation Easement must be coordinated to address CDFG and other issues, it is anticipated that the existence and applicability of a Resource Management Plan or similar resource protection plan will be identified in the recorded form of Conservation Easement.

Response 9 S.

The CDFG correctly states that property owners are to maintain a low water regime within 100 feet of open space, as required by Mitigation Measure 4.4-16; see full text of the mitigation measure on page 4.4-126 of the Draft EIR.

The CDFG comments that watering should be completely precluded in the open space areas, with the exception of formal restoration areas. As stated in the Tejon Mountain Village Specific and Community Plan and Special Planning District of the Draft EIR, page 1-8), open space land uses are restricted to uses including grazing, managed hunting, environmental education, adaptive open space management, and low-impact recreation. Watering within open space would be limited and, if watering in open space does occur, watering would occur only in association with these open space land uses (i.e., grazing, managed hunting, environmental education, adaptive open space management, and low-impact recreation).

Response 9 T.

The CDFG comment letter suggests that if Resource Management Plans are, in part, used to avoid and minimize impacts to listed and other special-status species, CDFG and the U.S. Fish and Wildlife Service (USFWS) should be able to review and approve these plans prior to finalization.

The Resource Management Plan is intended to serve as a compilation of applicable natural resource requirements for the Project, including those established by the County in the Framework Resource Management Plan, and those resource requirements established by CDFG and USFWS. The resource agencies would have the authority through their respective permitting processes to review and approve this or alternative forms of agency approval requirements and/or conditions, including, for example, the permit that may be issued under the proposed Tehachapi Uplands Habitat Conservation Plan. The comment has also been noted and included in the record for consideration by the decision-maker.
Response 9 U.

The CDFG comments that it is unclear who makes the determination per Mitigation Measure 4.4-17 as to which areas are not sensitive to pet disturbance and what criteria are used to make this determination.

In order to clarify, Mitigation Measure 4.4-17 has been revised as shown below and in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. In addition, the Project Conservation Managers will establish the criteria used to determine if biological resources are sensitive to pet disturbance.

Page 4.4-122

Mitigation Measure 4.4-17: The Property Owners Association shall supply educational information to residents regarding pets, wildlife, and open space areas. The material will discuss the presence of native animals (e.g., coyote, bobcat, and mountain lion), indicate that native animals could prey on pets, and indicate that no actions will be taken against native animals should they prey on pets allowed outdoors by their owners.

To protect biological resources that are particularly sensitive to pet disturbance, pets shall be leashed while using the designated trail system and/or in any areas within or adjacent to open space. This restriction shall be noted in educational information provided to residents by the Property Owners Association and on trail system and open space signage maintained by the project Conservation Managers. In designated areas where biological resources are not sensitive to pet disturbance, pets can be leash-free under sufficient voice control to restrict the pets to existing trails. Control of stray and feral cats and dogs shall be conducted in open space areas on an as-needed basis by the project Conservation Managers, as described in the Tejon Mountain Village Framework Resource Management Plan (Appendix B-1). Stray and feral cats and dogs may be trapped and deposited with the local Society for the Prevention of Cruelty to Animals, the Kern County Department of Animal Control, or Shelter on the Hill Humane Society.

Response 9 V.

The CDFG states that strict limitations or prohibitions against homeowners pruning and removing oaks on their lots seems to be lacking and that further protection of oaks present on lots is warranted. The Project’s Oak Resources Management Plan (ORMP) requires that oak tree preservation plans are prepared for custom home lots (Section 6.0 of Appendix G to Appendix E-1 of the Draft EIR) prior to ground disturbance. Oak tree preservation plans are intended to present oak tree inventory data and provide guidelines for avoiding impacts to oak trees, as well as outline oak tree protection, preservation, and proper management techniques for homeowners. However, CDFG’s comments are noted and Mitigation Measure 4.4-48 is revised as follows, as also reprinted in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR:

Mitigation Measure 4.4-48: The project shall avoid and preserve 13,218 acres 82% of the site's oak-dominated habitat and 87% of the oak canopy within open space and Special Management Areas which will be managed by the Project Conservation Managers in compliance with the Oak Resource Management Plan included as Appendix G of the "Tejon Mountain Village Biological Resources Technical Report" (Appendix E-1). Oak tree preservation plans shall outline impact avoidance measures, and oak tree protection, preservation, and management guidelines for retained trees. Approval and enforcement of the criteria outlined in the oak tree preservation plans for custom lots will be the responsibility of Property Owner's Association. Contractors,
consultants, TMV staff, and others who will be on site for any period of time prior to or during construction will receive education from the project biologist regarding preservation of oak trees.

Response 9 W.

The CDFG comments that proposed Project has committed to implementing and enforcing measures to reduce potential urban-wildlife conflicts and that the CDFG appreciates this commitment. The CDFG comments that, with implementation of these measures, there will be at least an occasional conflict with wildlife.

The CDFG comment is accurate in stating that with implementation of measures to reduce urban-wildlife conflicts, there could be an occasional conflict with wildlife. Measures to reduce urban-wildlife conflicts include the following mitigation measures, provided with summaries of the measure. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, and Section 4.7 HAZARDS AND HAZARDOUS MATERIALS, of the Draft EIR for the full text of the mitigation measures:

Implementation of Mitigation Measure 4.4-17 would require that the Property Owner’s Association supplies educational information to residents regarding pets, wildlife, and open space areas, which would avoid and minimize urban-wildlife confrontations.

Mitigation Measure 4.4-18 would provide trail signage and homeowner education regarding special-status biological resources in open space areas, which are designed to avoid and minimize urban-wildlife confrontations.

Mitigation Measure 4.7-18 requires California Department of Real Estate sale documents to include a disclosure of the risks of wildlife encounters in the Project area, and requires that hotel guests receive brochures discussing the risks of wildlife encounters. This Mitigation Measure will also require the posting of extensive warnings regarding such risks and wildlife avoidance behaviors on trailheads, trail maps, and websites associated with the Project.

The Draft EIR nonetheless concluded that because the risks of wildlife encounters cannot be fully discounted through mitigation, the impacts associated with the risks of wildlife encounters are significant and unavoidable. Draft EIR at p. 4.7-52.

Response 9 X.

The CDFG comments that it does not have adequate staffing to address the increase in requests for depredation permits or to directly handle these issues as they arise. The CDFG comments that Kern County does have an agreement with the U.S. Department of Agriculture (USDA) that provides for the assistance of Wildlife Services agents to effectively trap and remove species as authorized in Depredation Permits from CDFG but that it is unlikely that the current contract is sufficiently funded to handle the additional workload that would result from the proposed Project. The CDFG recommends that the existing USDA contract be evaluated by Kern County, and its Agricultural Commissioner, and that it be amended and its funding enhanced to ensure that adequate services can be provided. As approval of the proposed project would place people into an area with wildlife that could increase the potential for predation permits to remove or handle wildlife calls, Mitigation Measure 4.4-1 has been amended to include requirements for the project to provide enhanced funding, based on actual calls generated, for the CDFG staff response. As the impacts from placing people adjacent to wildlife increases the risk of injury or death is considered significant and unavoidable, than as required by CEQA all feasible and reasonable mitigation must be imposed. Mitigation Measure 4.4-1 has been supplemented to ensure that project specific funding for depredation management will be provided.
**Mitigation Measure 4.4-1:** The following shall be implemented prior to the issuance of any certificate of occupancy for the site:

a. Hunting within the project site shall be limited to guided hunts, generally as required to control wildlife and non-native, invasive species (e.g., wild pigs). All participants in any such onsite population management efforts shall be educated in the identification and behavior of the California condor, golden eagle, bald eagle, and prairie falcon, and supervised by a trained hunting guide to avoid any accidental encounter with these species. In addition, non-permitted hunting of any wildlife species shall be strictly prohibited, which will also be subject to enforcement by the project Conservation Managers and trained hunting guides. Pursuant to the lead ammunition ban that was implemented over the entire Tejon Ranch beginning January 1, 2008, only non-lead ammunition shall be used at all times within the project site during hunts of any kind.

b. An amendment to the existing agreement between the County and the U.S. Department of Agriculture (USDA) shall be executed or other implementation mechanism as approved by the Planning Department, to provide funding to cover the costs for depredation management associated with the on-site implementation of the Tejon Mountain Village Community and Specific Plan.

**Response 9 Y.**

The comment letter provided by CDFG recommends that vineyards and other types of agriculture allowed on home lots or with the Project area be completely enclosed by wildlife-proof fencing, designed in consultation with CDFG, in order to reduce the number of animals that would be “taken” as allowed by law under Depredation Permits.

A final Resource Management Plan will identify strategies for a variety of activities, including ornamental landscaping, agricultural and ranching activities. Specific fencing requirements and designs will be coordinated with CDFG to minimize the number of animals taken under Depredation Permits.

**Response 9 Z.**

This change is also provided in Section 7.2, REVISIONS TO PROJECT DRAFT EIR.

The CDFG comments that it should be involved in the review and approval of the conservation education and citizen awareness programs required by Mitigation Measure 4.4-18 of the Draft EIR. In response to this comment, Mitigation Measure 4.4-18 has been modified to require CDFG consultation on the conservation education and citizen awareness programs:

**Mitigation Measure 4.4-18:** As identified in the Tejon Mountain Village Framework Resource Management Plan (Appendix C of the Tejon Mountain Village Specific and Community Plan), the project Conservation Managers, in consultation with CDFG, and with the Property Owners Association Manager acting as the lead manager, shall develop and implement a conservation education and citizen awareness program for the open space areas informing the public of the special-status biological resources present within Tejon Mountain Village and providing information on common threats posed by the presence of people and pets to those resources. This shall include the following:

a. The project Conservation Managers shall install trailhead and trail signage indicating that the project open space is a biological conservation area and requiring that people and
their animals stay on existing trails at all times. Signage shall also be posted near Castac Lake stating that feeding wildlife is prohibited.

b. The project Conservation Managers shall provide periodic maintenance patrols to remove litter and monitor trail expansion and fire hazards within the project open space.

c. The education program shall discuss the negative impacts of unauthorized capturing (i.e., poaching) of wildlife. The education program regarding unauthorized wildlife capture shall highlight the negative impacts of collecting salamanders.

This change is also provided in Section 7.2, REVISIONS TO PROJECT DRAFT EIR.

Response 9 A2.

The CDFG comments that measures in the Tehachapi Upland Multiple Species Conservation Plan (TUMSHCP) that avoid and minimize impacts to wildlife associated with Tejon Mountain Village should be required in perpetuity.

Note that the U.S. Fish and Wildlife Service, not Kern County, is the issuing authority for the TUMSHCP. Accordingly, Kern County cannot dictate the terms of the TUMSHCP. Commercial and residential development within the Tejon Mountain Village Planning Area, which includes the Tejon Mountain Village Specific Plan area, is a Covered Activity under the Draft TUMSHCP. Section 2.2.3 of the Draft TUMSHCP (January 2009) describes commercial and residential development within the Tejon Mountain Village Planning Area covered under the MSHCP. The Draft TUMSHCP proposes coverage for 27 Covered Species, including the California condor, 20 other wildlife species, and 6 plant species. Avoidance and minimization measures incorporated in the Draft TUMSHCP will be implemented in perpetuity as described in the Draft TUMSHCP and associated Implementing Agreement (IA). Section 5.1.1(e) of the IA calls for recordation of one or more perpetual conservation easements prior to construction of the Tejon Mountain Village Project and states that the conservation will include management and reporting requirements. Furthermore, Appendix B to the Draft TUMSHCP incorporates the Perpetual Ranch-Wide Ban on Lead Ammunition as a key element of the condor conservation program. Measures to avoid and minimize impacts associated with ingestion of microtrash by condors are described in the Tejon Ranch California Condor Conservation and Management Plan, included as Appendix C to the Draft TUMSHCP and as described in Section 14.1 of the IA. Implementation of these measures with respect to the Tejon Mountain Village Specific Plan will be assured through CC&Rs recorded on each of the private parcels within the Tejon Mountain Village Specific Plan as well as through the perpetual conservation easements. The TUMSHCP is an implementation proposed by the applicant and Tejon Ranch to address the requirements for mitigation of impacts on biological resources from the proposed project. If USFW does not approve the TUMSHCP, as proposed by Tejon Ranch, then other provisions as required by the wildlife agencies, including most of the same mitigation as proposed in the TUMSHCP, will be imposed on the project before any construction activities can occur. The final determination of appropriate mitigation for impacts on the California Condor and other protected species is within the authority of jurisdiction of the USFW and CDFG. The request will be forwarded to the project proponent and the Tejon Ranch Company for consideration.

Response 9 B2.

Commentor states that CDFG representatives, as of the time of writing this comment, had not yet had the opportunity to review or provide input on the TUMSHCP because of the "gag order". This comment is noted and will be included in the record. As background, the "gag order" refers to a Protective Order
issued by the court in a lawsuit begun in 1997 regarding TRC's request that the USFWS promulgate a "10(j) Rule" under the Endangered Species Act (ESA) for the population of released California condors, which would have protected the condors and also provided ongoing certainty to landowners in areas used by condors. (Such a 10(j) Rule was adopted in Arizona, and has been successfully implemented in that state for many years, with the California condor population now exceeding 70 individuals.) With court supervision, the parties to this lawsuit – TRC and USFWS – entered into a stipulated stay pursuant to which further pursuit of the lawsuit would be stayed while the parties could work toward the processing, review and finalization of an alternate form of ESA coverage under Section 10(a)(1)(B), namely through a Habitat Conservation Plan (HCP). The stay also resulted in the execution of a Memorandum of Agreement (MOA), which provided further detail on the HCP preparation and review process. The MOA, Stipulated Stay, and other court pleadings are and have remained available for public review. As is typical in settlement negotiations during ongoing litigation, settlement discussions between the parties are typically confidential – and this confidentiality was provided to TRC and USFWS under a Protective Order issued in 2002. The Protective Order covers documents that are prepared in furtherance of settlement, such as draft or incomplete versions of proposed habitat conservation plans. The Protective Order does not cover scientific information about the California condor population generally, however, and for example USFWS has provided multiple parties with access to telemetry and other data regarding the locations and behaviors of California condors on and around Tejon Ranch. The settlement process remains on track toward completion, with a major milestone reached with the commencement of public review of the proposed TUMSHCP and the accompanying Draft EIS. The TUMSHCP was prepared by TRC in consultation with USFWS, in a consultation process that is typical for HCP documents generally. The EIS is the USFWS evaluation of the scientific information, conservation strategies, and land use activities that are included in the TUMSCHP. The TUMSHCP and EIS also evaluate alternatives to the TUMSHCP, including for example an earlier iteration of an HCP that had also emerged during settlement negotiations, which protected only the California condor and did not protect the 26 other species included in the current TUMSCHP. Still earlier in the settlement negotiations, a public notice was issued of for a proposed HCP that included only the California condor but, unlike the condor-only HCP considered in the TUMSCHP/EIS and the TUMSCHP itself, included a request for lethal "take" authorization under the ESA – permission to cause the incidental death of a California condor – which is not included in the TUMSCHP. This progression of different approaches to the application of the ESA to Tejon Ranch, while subject to the Protective Order, is also public information based on earlier public notices as well as in the alternatives evaluated in the proposed TUMSCHP and EIS. The USFWS remains responsible for implementing the ESA, and was identified as a responsible party in the Draft EIR and invited to submit comments. The Project was designed to comply with the proposed TUMSCHP, and the Draft EIR was prepared with full access to all of the scientific and other information available in the TUMSCHP and EIS, as well as other public scientific information about the California condor. Recently, TRC announced that it would seek to vacate the Protective Order since the HCP process has now moved into the public review phase with the close of a 120-day comment period on the proposed MSHCP and Draft EIS. Documentation regarding earlier versions of the MSHCP, including for example the condor-only HCP discussed as an alternative in the MSHCP/EIS, and the lethal take, condor-only HCP identified in a prior public notice, are expected to be available for public review after the Protective Order is vacated. Finally, it is noted that USFWS has not submitted comments on the Project or the Draft EIR (notwithstanding its ongoing authority to do so), and the Project complies with the requirements of the proposed TUMSCHP and the USFWS's favorable evaluation of the TUMSCHP in the accompanying Draft EIS.

Response 9 C2.

Commentor suggests the identification of a mechanism that could track Project development as well as the recordation of related open space easements and deed restrictions. In response to the submitted comment, Kern County notes that the proposed project at this time includes adoption of the proposed
Specific and Community Plan and associated general plan amendments, zone changes and exclusion from agricultural preserves. If the proposed Specific and Community Plan is approved by the Board of Supervisors, the project proponent or designee will be required to submit for review and approval the processing of subsequent tentative tract maps, parcel maps and commercial site development plans prior to any substantive ground disturbing activities. Each of these subsequent submittal requirements related to subdivision of the property or the construction of commercial development will go through a formal public hearing process for review and comment. The Tejon Mountain Village Specific Plan and Community Plan Special Planning District No.1, Map 256 will serve as this tracking system to monitor development of the site. With each phase of subsequent development, the Tejon Mountain Village Specific Plan and Community Plan Special Planning District will need to be modified to account for and track development of the site.

**Response 9 D2.**

The CDFG comments that on page 4.4-46 of Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR, under the heading "Protected Wildlife Species under the California Endangered Species Act," white-tailed kite should be removed from this section because it is fully protected but not listed under the California Endangered Species Act (CESA), and the Tehachapi slender salamander, which is State Threatened, should be added to this section.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

**Page 4.4-47**

Protected Wildlife Species under the California Endangered Species Act

There are six species protected under CESA detected on site and listed in Table 4.4-15: the American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), California condor, little willow flycatcher (*Empidonax traillii brewsteri*), Swainson's hawk (*Buteo swainsoni*), and Tehachapi slender salamander (white-tailed kite (*Elanus leucurus*). Further information about these species is provided below.

**Response 9 E2.**

Commentor states that on page 4.4-69 in Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR, under the heading "California Endangered Species Act," insects are not state-listed, but other invertebrates, such as mollusks and crustaceans, are state-listed.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. This section of the Draft EIR will be revised as follows:

CESA defines an endangered species as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” CESA defines a threatened species as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. A candidate species is defined as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the
Commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the Commission has published a notice of proposed regulation to add the species to either list.” CESA does not list insect invertebrate species.

Response 9 F2.

Commentor states that striped adobe lily is a State Threatened species. In Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR, Tables 4.4-23 and 4.4-90 state that this species is not threatened or endangered under CESA.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. These tables in the Draft EIR will be revised as follows:

**Table 4.4-23. Short-Term Impacts to Striped Adobe-Lily**

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<th>Status:</th>
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<tbody>
<tr>
<td><em>Fritillaria striata</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>California Native Plant Society List 1B.1</td>
</tr>
<tr>
<td></td>
<td>State: Threatened (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences at Tejon Mountain Village**

Not observed on site or in the offsite infrastructure areas.

**General Habitat Types**

Generally found in open sites on clay soils in open oak woodlands and valley and foothill grassland below 4,800 feet in elevation (CNPS 2008). Therefore, on the project site this species may occur within the following suitable habitat: oak woodlands and forests with less than 40% cover, and native and non-native grassland communities on clay soils at elevations up to 4,800 feet.

**Short-Term Impacts**

There are no occurrences of this species on site or within the offsite infrastructure improvement areas. No short-term direct impacts would occur. This species may occur within suitable habitat in the future. Approximately 5,542 acres, or 56%, of this habitat would be avoided and preserved as open space pursuant to the Tejon Mountain Village Specific Plan. There were no known occurrences in these locations during the base survey year, and short-term direct impacts to potential future occurrences of this species would be less than significant.

Construction activities near potential future locations of this species could occur, resulting in short-term indirect impacts to this species. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially significant indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, and 4.4-15 would reduce potential impacts to less than significant.
Table 4.4-90. Long-Term Impacts to Striped Adobe-Lily

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<thead>
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**Long-Term Impacts**

There are no occurrences of this species on site or within the offsite infrastructure improvement areas. No long-term direct impacts would occur.

This species may occur within suitable habitat in the future. Approximately 5,542 acres, or 56%, of this habitat would be avoided and preserved as open space pursuant to the Tejon Mountain Village Specific Plan. There were no known occurrences in these potential future locations during the base survey year. Long-term direct impacts to potential future occurrences of this species would be less than significant.

Long-term activities near potential future locations of this species could occur. Potentially significant long-term indirect impacts could include potential chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-26, 4.4-29, 4.4-37, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.

**Response 9 G2.**

The CDFG comments that Hoover’s eriastrum should be designated as delisted under the Federal Endangered Species Act in Section 4.4, BIOLOGICAL RESOURCES, Tables 4.4-32 and 4.4-99.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. This section of the Draft EIR will be revised as follows:
Table 4.4-32. Short-Term Impacts to Hoover’s Eriastrum

<table>
<thead>
<tr>
<th>HOOPER’S ERIASTRUUM</th>
<th>STATUS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eriastrum hooveri</td>
<td></td>
</tr>
<tr>
<td><strong>Federal:</strong> Delisted as endangered and threatened species (USFWS 2003)</td>
<td></td>
</tr>
<tr>
<td><strong>State:</strong> Not threatened or endangered under FESA or CESA</td>
<td></td>
</tr>
<tr>
<td>California Native Plant Society List 4.2</td>
<td></td>
</tr>
</tbody>
</table>

**Occurrences at Tejon Mountain Village**

This species has been observed in 17 distinct locations representing approximately 700 to 1,200 individuals. The majority can be found between 3,600 and 4,400 feet, with additional occurrences between 4,600 and 4,800 feet. Occurrences were located within blue oak woodland, developed/disturbed areas, interior live oak–scrub oak chaparral, wedgeleaf ceanothus chaparral, valley oak forests and woodlands, and scrub oak–chamise chaparral, with the majority of individuals occurring in blue oak woodland.

**General Habitat Types**

This species occurs in chenopod scrub (valley saltbush scrub and valley sink scrub (55 FR 29361–29370), pinyon and juniper woodland, valley and foothill grassland habitats (CNPS 2008), and alkaline alluvial fans (Jepson Flora Project 2008). Therefore, on the project site this species may occur within the following general habitat types: oak woodlands and forests, juniper woodlands, pine forests and woodlands, native and non-native grasslands, urban/developed, and the five chaparral general habitats found on the project site.

**Short-Term Impacts**

Approximately 260 known individuals of this species are located within the development envelope and would be impacted by the project; another three plants are located within the secondary impact area (fuel modification zone) and would not be directly impacted by the project. A total of 570 known locations would be preserved in Special Management Area 3 (a 0.4-acre avoidance area including a 50-foot buffer), Special Management Area 4 (a 0.8-acre avoidance area including a 50-foot buffer), and Special Management Area 5 (a 0.4-acre avoidance area including a 100-foot buffer). All remaining occurrences would be in preserved open space areas. The species is a CNPS List 4 species (plant of limited distribution, but not rare), with a limited occurrence on the project site. Preservation of known populations in Special Management Areas 3–5 pursuant to Mitigation Measure 4.4-23 would mitigate potential short-term direct impacts to a **less-than-significant level**.

This species may occur in suitable habitat within the site in the future. Approximately 14,645 acres, or 61%, of this habitat would be avoided and preserved as open space and in Special Management Areas 3–5. Preservation of known populations in Special Management Areas 3–5 pursuant to Mitigation Measure 4.4-23 would mitigate potential short-term direct impacts to future occurrences of this CNPS 4 species to a **less-than-significant level**.

Construction activities near known or potential future locations of this species could occur. There is one location in the secondary impact area (fuel modification zone) and two locations within Special Management Areas. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially **significant** indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, and 4.4-23 would reduce potential impacts to **less than significant**.
**Table 4.4-99. Long-Term Impacts to Hoover’s Eriastrum**

<table>
<thead>
<tr>
<th>Hoover’s eriastrum</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Eriastrum hooveri</em></td>
<td>Federal: Delisted as endangered and threatened species (USFWS 2003)</td>
</tr>
<tr>
<td></td>
<td>State: Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>California Native Plant Society List 4.2</td>
</tr>
</tbody>
</table>

**Occurrences at Tejon Mountain Village**

This species has been observed in 17 distinct locations representing approximately 700 to 1,200 individuals. The majority were between 3,600 and 4,400 feet, with additional occurrences between 4,600 and 4,800 feet. Occurrences were located within blue oak woodland, developed/disturbed areas, interior live oak–scrub oak chaparral, wedgeleaf ceanothus chaparral, valley oak forests and woodlands, and scrub oak–chamise chaparral, with the majority of individuals occurring in blue oak woodland.

**General Habitat Types**

This species occurs in chenopod scrub (valley saltbush scrub and valley sink scrub (55 FR 29361–29370)), pinyon and juniper woodland, valley and foothill grassland habitats (CNPS 2008), and alkaline alluvial fans (Jepson Flora Project 2008). Therefore, on the project site this species may occur within the following general habitat types: oak woodlands and forests, juniper woodlands, pine forests and woodlands, native and non-native grasslands, urban/developed, and the five chaparral general habitats found on the project site.

**Long-Term Impacts**

Approximately 260 known individuals of this species are located within the development envelope and three plants are located within the secondary impact area (fuel modification zone). A total of 570 known individuals would be preserved in Special Management Area 3 (a 0.4-acre avoidance area including a 50-foot buffer), Special Management Area 4 (a 0.8-acre avoidance area including a 50-foot buffer), and Special Management Area 5 (a 0.4-acre avoidance area including a 100-foot buffer). All remaining occurrences would be in open space areas under the Tejon Mountain Village Specific Plan. The species is a CNPS List 4 species (a plant of limited distribution, but not rare), with a limited occurrence on the project site. Preservation of known populations in Special Management Areas 3–5 pursuant to Mitigation Measure 4.4-23 would mitigate long-term direct impacts to a less-than-significant level.

This species may occur in suitable habitat within the site in the future. Approximately 14,645 acres, or 61%, of this habitat would be avoided and preserved as open space pursuant to the Tejon Mountain Village Specific Plan and in Special Management Areas 3–5. The species is a CNPS List 4 species (a plant of limited distribution, but not rare), with a limited occurrence on the project site. Preservation of known populations in Special Management Areas 3–5 under Mitigation Measure 4.4-23 and other onsite avoidance would mitigate potential long-term direct impacts to future populations to a less-than-significant level.

Long-term activities near known or potential future locations of this species could occur. There is one known location in the secondary impact area (fuel modification zone) and three locations are within Special Management Areas. Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-37, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
In addition, the following reference will be added to Chapter 10, REFERENCES, Section 4.4, BIOLOGICAL RESOURCES, Printed References:


Response 9 H2.

Commentor states that American peregrine falcon should be designated as fully protected by the State in Section 4.4, BIOLOGICAL RESOURCES, Tables 4.4-64 and 4.4-131.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. This section of the Draft EIR will be revised as follows:
### Table 4.4-64. Short-Term Impacts to American Peregrine Falcon

<table>
<thead>
<tr>
<th><strong>American peregrine falcon</strong></th>
<th><strong>Status:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Falco peregrinus anatum</em></td>
<td>Not threatened or endangered under FESA</td>
</tr>
<tr>
<td></td>
<td>Endangered under CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive; USFWS Birds of Conservation Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>State: Endangered (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other: DFG protected and fully protected species and DFG sensitive (DFG 2008b)</td>
</tr>
</tbody>
</table>

#### Occurrences and Suitable Habitat at Tejon Mountain Village

This species was not observed nesting on site. Suitable nesting habitat is present; therefore, impacts to both nesting and foraging habitat are analyzed. American peregrine falcons do not appear to be wintering on site. The suitable habitat is separated into habitat that is suitable for breeding and habitat that is suitable for foraging; suitable breeding habitat includes cliffs and bluffs. Potentially suitable foraging habitat includes riparian forest and woodlands, native and non-native grassland, bog and marsh communities, meadows and seeps, and agricultural areas. Approximately 6,100 acres of suitable habitat are used for foraging, breeding, and migration movement.

#### Short-Term Impacts

This species does not use the site for breeding or wintering on a regular basis and during migration, onsite occurrences are transient and irregular. Therefore, no significant short-term construction impacts would occur. Approximately 71% (5 acres) of suitable breeding habitat would be avoided in project open space and in riparian Special Management Area (11 through 121). Approximately 1 acre, or 21%, of suitable breeding habitat would be impacted within the development envelope (less than 1 acre) and secondary impact area (fuel modification zone) (less than 1 acre). Approximately 55% (3,332 acres) of suitable foraging habitat would be avoided in project open space and in riparian Special Management Areas (11 through 121). Approximately 2,753 acres, or 45%, of suitable foraging habitat would be impacted within the development envelope (2,417 acres), offsite infrastructure areas (18 acres), and secondary impact area (fuel modification zone) (328 acres), and construction activities could result in significant short-term direct impacts in these areas.

Construction activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian special management areas (11 through 121). Therefore, if this species did breed on the project site in the future, construction activities could impact this species. Construction dust, hydrological modifications, chemical releases, increased human activity from construction workers, and construction-related noise, vibration, and lighting could result in potentially significant indirect impacts.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-22, 4.4-23, 4.4-27, 4.4-32, 4.4-39, and 4.4-45 (which requires focused surveys for nesting American peregrine falcons and protection of active nests through buffers) would reduce potential impacts to less than significant.
Table 4.4-131. Long-Term Impacts to American Peregrine Falcon

<table>
<thead>
<tr>
<th>American peregrine falcon</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Falco peregrinus anatum</em></td>
<td>Not threatened or endangered under FESA</td>
</tr>
<tr>
<td></td>
<td>Endangered under CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive; USFWS Birds of Conservation Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>State: Endangered (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other: DFG protected and fully protected species and DFG sensitive (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not observed nesting on site. Suitable nesting habitat is present on site. American peregrine falcons do not appear to be wintering on site.

The suitable habitat includes habitat that is suitable for breeding and habitat that is suitable for foraging. Suitable breeding habitat includes cliffs and bluffs. Potentially suitable foraging habitat includes riparian forest and woodlands, native and non-native grassland, bog and marsh communities, meadows and seeps, and agricultural areas. Approximately 6,100 acres of suitable habitat are within the site.

**Long-Term Impacts**

This species does not use the site for breeding or wintering on a regular basis and during migration, onsite occurrences are transient and irregular. No significant direct long-term impacts to existing species populations would occur.

Approximately 71% (5 acres) of suitable breeding habitat is avoided in project open space and in riparian Special Management Areas (11 through 121). Approximately 1 acre, or 21%, of suitable breeding habitat is within the development envelope (1 acre) and secondary impact area (fuel modification zone) (less than 1 acre).

Approximately 55% (3,332 acres) of suitable foraging habitat is avoided in project open space and in riparian Special Management Areas (11 through 121). Approximately 2,753 acres, or 45%, of suitable foraging habitat would be affected within the development envelope (2,417 acres), offsite infrastructure areas (18 acres), and secondary impact area (fuel modification zone) (328 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially **significant** long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to **less than significant**.

**Response 9 I2.**

Commentor states that “CESA” should be removed from Tables 4.4-66 and 4.4-133 in Section 4.4, BIOLOGICAL RESOURCES, since this table correctly states that Swainson’s hawk is a State Threatened species.
Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect the comments in this letter. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. The Draft EIR will be revised as follows:

Table 4.4-66. Short-Term Impacts to Swainson’s Hawk

<table>
<thead>
<tr>
<th>Swainson’s hawk</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buteo swainsoni</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>State: Threatened (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not observed nesting on site and does not appear to be wintering on site. It is a migrant passing through that may forage on site for a brief time. Approximately 6,700 acres of suitable habitat are used for foraging and migration movement. Potentially suitable foraging habitat includes grassland, scrublands, and agricultural areas.

**Short-Term Impacts**

Impacts due to construction activities would be **less than significant** because species use of the project site during migration is transient and irregular. The species does not use the site for breeding or wintering on a regular basis.

Construction activities would result in **less-than-significant** impacts because this species is a migrant opportunistically foraging on the project site instead of wintering, and occurs irregularly and in low numbers. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-22, 4.4-23, 4.4-27, and 4.4-39 would further reduce potential short-term impacts and benefit this species.
Table 4.4-133. Long-Term Impacts to Swainson’s Hawk

<table>
<thead>
<tr>
<th>Swainson’s hawk</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buteo swainsoni</td>
<td>Not threatened or endangered under FESA or CESA.</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>State: Threatened (DFG 2008b)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occurrences and Suitable Habitat at Tejon Mountain Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>This species was not observed nesting on site and does not appear to be wintering on site. The species appears to be a migrant that may stay on site for a brief time and may forage during that time.</td>
</tr>
<tr>
<td>Approximately 6,700 acres of suitable foraging habitat are within the site. Potentially suitable foraging habitat includes grassland, scrublands, and agricultural areas.</td>
</tr>
</tbody>
</table>

Long-Term Impacts

Long-term impacts to this species would be less than significant because species use of the project site during migration is transient and irregular. The species does not use project site for breeding or wintering on a regular basis.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would further reduce potential impacts and would benefit this species.

Response 9 J2.

Commentor suggests that Mitigation Measure 4.4-20 (a golf course maintenance plan) should also anticipate how to address conflicts with burrowing animals and that use of rodenticides should be avoided.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. This section of the Draft EIR will be revised as follows:

Mitigation Measure 4.4-20: The operator of the golf course shall prepare a golf course maintenance plan, which will include procedures to control impacts to stormwater quality and groundwater quality as a result of golf course maintenance practices, including irrigation and use of fertilizers and pesticides. The golf course maintenance plan will address potential conflicts with native burrowing animals. The golf course maintenance plan shall be prepared in accordance with federal and state laws governing the use of pesticides and fertilizers and shall be coordinated with the Integrated Pest Management plan (Mitigation Measure 4.4-14). The use of rodenticides will be avoided to the maximum extent practicable. The golf course maintenance plan shall be finalized prior to issuance of a certificate of occupancy for the golf course maintenance building.

Response 9 K2.

Commentor states that Mitigation Measure 4.4-25 should be revised to remove trapping of the American badger as part of the measure because trapping would constitute “take” under FGC Section 86, which is prohibited under Title 14, California Code of Regulations (Section 670.2 and 670.5).

The comment appears to mistakenly cite Title 14, California Code of Regulations Section 670.2 in reference to the American badger, as that regulation lists rare, threatened and endangered California native plant species. Also, the other cited section, Section 670.5, lists California threatened and endangered species, but the American badger is not a listed species. Badgers may be legally taken under
certain circumstances as provided by Title 14, California Code of Regulations Section 461. Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. The Draft EIR will be revised as follows:

**Mitigation Measure 4.4-25:** Impacts to American badger individuals and wintering and natal dens shall be avoided and minimized during construction activities through the following measures:

a. During the winter (between November 1 and March 31, when daily temperatures do not exceed 45°F), when American badgers may use winter dens to enter torpor, pre-construction surveys shall be conducted no earlier than 14 days prior to ground-breaking construction by the Project Biologist to determine if American badger winter dens are present within the limits of disturbance or within 100 feet of the disturbance zone boundary.

b. If an American badger winter den is occupied within a construction area for construction activities involving mass grading and the installation of backbone infrastructure, then the den location shall be clearly marked with fencing or flagging to avoid inadvertent impacts on the den, and one of the following shall occur:

   i. Construction activities will be postponed or halted until it is determined by the Project Biologist that badgers are not using the den, if practicable.

   ii. If it is not practicable to avoid the wintering den during construction activities, an attempt will be made to trap or flush the individual and relocate it to designated open space. After a trapping or flushing effort is completed, construction may proceed and disturb the occupied winter den even if it remains. If trapping is required, trapping will be limited to November 16 through last day of February in accordance with Section 461, Title 14 of the CCR.

   iii. During the spring and summer, when American badgers may use dens for birthing young (generally April through August), pre-construction surveys shall be conducted by the Project Biologist no earlier than 14 days prior to construction activities involving mass grading and the installation of backbone infrastructure, to determine if American badger natal dens are present within the construction area or within 100 feet of the construction area. If American badger dens are occupied during the breeding season within these areas, construction activities shall be postponed or halted in these areas until it is determined by the Project Biologist that the young are no longer dependent on the natal den. If an active natal den is identified within 100 feet of these areas, to avoid inadvertent impacts during construction, the den location shall be clearly marked with fencing or flagging in a manner that will not inhibit normal behavioral activities (e.g., foraging) by the mother.

**Response 9 L2.**

Commentor suggests that strategy to avoid and minimize impacts associated with fuel modification to nesting birds in Mitigation Measure 4.4-27 of the Draft EIR should be recorded as a term in the Conservation Easement if the easement lands are within fuel modification zones. Please see response 9-E.
The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

The comment has been noted and included in the record for consideration by the decision-maker.

**Response 9 M2.**

Commentator requests that the grazing management plan be recorded as a term in or appended to the Conservation Easement. Please see response 9-E. In addition, because grazing has historically occurred at Tejon Ranch for more than a century, and because grazing has been a major factor in creating and sustaining the environmental values present at Tejon Ranch, grazing management is a critical component of the open space management plan for the Tejon Mountain Village open space areas. Grazing should be managed holistically in response to changing seasons and varying rainfall levels, and flexibly based on observed field conditions. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 9 N2.**

Commentator states that with respect to Mitigation Measure 4.4-47 in Section 4.4, BIOLOGICAL RESOURCES, a restoration ecologist should determine the performance standards and recommendations for corrective action in restoration areas rather than the Master Development.

Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect the comment in this letter; however, to be consistent with the language of the Draft EIR, the term Project Biologist is used in lieu of restoration ecologist. Please see response 9-O and refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

**Response 9 O2.**

Commentator states that Section 4.8, HYDROLOGY AND WATER QUALITY, should describe direct impacts to surface waters, a brief description of Fish and Game Code Section 1600 et seq., as well as other State water quality regulations that are contained within the Fish and Game Code, such as FGC Sections 5650 and 5652.

Direct impacts to riparian habitat, including wetlands and streams, regulated under section 1602 of the Fish and Game code, are discussed in SECTION 4.4, BIOLOGICAL RESOURCES, on pages 4.4-391 and 4.4-394 of the Draft EIR.

A brief description of Fish and Game Code Section 1600 et seq. is provided in SECTION 4.4, BIOLOGICAL RESOURCES, on page 4.4-70 of the Draft EIR. In addition, a brief description of other State water quality regulations that are contained within the Fish and Game Code are also described on page 4.4-70 of the Draft EIR.

**Response 9 P2.**

Commentator states that Mitigation Measure 4.4-43 should be revised to remove trapping of the ringtail as part of the measure because trapping would constitute “take” under FGC Sections 86 and Section 4700 prohibits “take” of fully protected mammals.
Section 4.4, BIOLOGICAL RESOURCES, has been revised to reflect this comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. This section of the Draft EIR will be revised as follows:

**Mitigation Measure 4.4-43:** At the discretion of the Project Biologist, pre-construction surveys shall be conducted for ringtail individuals in suitable habitat areas where mass grading or the installation of backbone infrastructure would occur and within 300 feet of this disturbance area. If the ringtail is detected in these areas during the breeding/rearing period (February 1 through August 31), construction activities will be avoided during the breeding/rearing period or until the Project Biologist has determined that 1) the ringtail no longer occupy the project disturbance zone (i.e., area of mass grading/installation of backbone infrastructure) or areas within 300 feet of the project disturbance zone, and/or 2) construction activities would not adversely affect the successful rearing of young. The Project Biologist may reduce the 300-foot setback at his or her discretion depending on the site conditions.

If the ringtail is detected in the project disturbance zone (i.e., mass grading/installation of backbone infrastructure) or areas within 300 feet of the project disturbance zone during the non-breeding/rearing period (September 1 through January 31), the Project Biologist (in consultation/coordination with California Department of Fish and Game) shall trap or flush the ringtail located within the project disturbance zone and/or within 300 feet of the disturbance zone. Trapped ringtails will be relocated to nearby undisturbed areas with suitable habitat (riparian woodland and/or forest).

**Response 9 Q2.**

The comment notes that considerable effort that went into preparation of the Draft EIR and supporting materials, and notes that DFG appreciates the opportunity to review and comment on the Draft EIR. The comment provides contact information should any questions arise regarding DFG's comments. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 10

July 13, 2009

Ms. Lorelei H. Oviatt, AICP, Division Chief
COUNTY OF KERN PLANNING DEPARTMENT
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Sent by FAX to: 861-862-3601
No. of pages: 4

Re: SCH200510015: CEQA Notice of Completion; proposed Final Environmental Impact Report FEIR for the Tejon Mountain Village by TMV, LLC Project Located East of the Interstate Highway 5 and the Lebec Interchange; Kern County, California

Dear Ms. Oviatt:

The Native American Heritage Commission (NAHC) is the state ‘trustee agency’ pursuant to Public Resources Code §21070 designated to protect California’s Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15362 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.” In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect’ (APE), and if so, to mitigate that effect. The proposed ‘Mixed-Use Development, the Tejon Mountain Village Project plans for 3,400 residential units and 160,000 square feet of commercial space covering and area of 23,000-acres. Most of this property has been ‘un-surveyed for archaeological and Native American cultural resources but is assumed to be ‘culturally sensitive’ by the Native American Heritage Commission due to the historic presence of Native Americans in the area including the existence of the former Sebuwan Indian Reservation nearby. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

The Native American Heritage Commission did perform a Sacred Lands File search and no Native American cultural resources were identified. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as ‘consulting parties,’ for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g., APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Entity may be the only source of information about a cultural resource... Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation Coordinator’s office (at 916) 653-7278, for referral to the nearest Information Center of which there are 11...

Consultation with tribes and interested Native American consulting parties, on the NAHC list should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHWA (15 U.S.C. 470 ff)(sec), and NAGPRA (25 U.S.C. 3001-3019), as appropriate.
Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15084.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Co: State Clearinghouse
Comment Letter 10, Cont.

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 3087.94 of the Public Resources Code and Section 20507.16 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCHF2008B101918: CEQA Notice of Completion; proposed Final Environmental Impact Report (FEIR) for the Tejon Mountain Village by TMY, LLC Projects; located East of the Interstate Highway 5 and the Lebec Interchange; Kern County, California.
Native American Contact
Kern County
July 13, 2009

Kern Valley Indian Council
Robert Robinson, Historic Preservation Officer
P.O. Box 401
Weldon, CA 93283
brobinson@mchsi.com
(760) 378-4575 (Home)
(760) 549-2131 (Work)

Tubatulabal of Kern Valley
Donna Begey, Tribal Chairwoman
P.O. Box 2225
Lake Isabella, CA 93240
(760) 379-4590
(760) 379-4582 FAX

Frank Arredondo
PO Box 161
Santa Barbara, CA 93102
805-617-8884
kaen_sku_mu@yahoo.com

This list is current only as of the date of this document.
Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7052.5 of the Health and Safety Code, Section 6347.84 of the Public Resources Code and Section 5097.06 of the Public Resources Code, and federal NEPA (42 USC 4321-4370), NHPA Sections 106.4(f) (16 USC 470(f)) and NAGPRA (25 USC 3001-3015).

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008010118; CEQA Notice of Completion; proposed Final Environmental Impact Report (FEIR) for the Tejon Mountain Village by TMY, LLC Projects located East of the Interstate Highway 5 and the Loop 5 interchange; Kern County, California.
Comment Letter 10. Native American Heritage Commission
(July 13, 2009)

Response 10 A.

Thank you for your comment. The Native American Heritage Commission notes that most of the project boundary has been “un-surveyed” for archaeological and Native American cultural resources but is assumed to be “culturally sensitive” by the Commission due to the historic presence of Native Americans in the area including the existence of the former Sebastian Indian Reservation nearby.

The Native American Heritage Commission performed a Sacred Lands File search and found that no Native American Cultural resources were identified. The commenter further provides the County with a list of Native American contacts that should be consulted regarding the proposed project.

In response to the comment provided by the Native American Heritage Commission, Kern County notes that on September 26, 2005, the County received a letter from the Native American Heritage Commission identifying the Native American Tribal contacts that need to be consulted in accordance with Senate Bill 18. Subsequently, all identified tribal contacts were mailed consultation letters. To date, the County has received only one letter in response from the Tejon Indian Tribe requesting that all archaeological reports and or surveys be provided to the Tejon Indian Tribe.

The following tribal contacts, Kern Valley Tribal Council, Tejon Indian Tribe, Kitanemuk & Yowlumne Tejon Indians, Chumash Council of Bakersfield, Santa Rosa Rancheria, Tule River Indian Tribe, and the Tubatulabals of Kern County, have been continually provided information as to the progress of the project and have received copies of the DEIR, which include the Phase I, Phase II and Addendum’s to Phase I & II Archaeological Surveys. As such, Kern County is in full compliance with the requirements of Senate Bill 18.

Given culturally sensitive nature of the environmental setting, extensive surveys were completed and the comment that the site is "unsurveyed" is inaccurate. Specifically, Phase I background studies, field studies, Phase II archaeological testing and evaluation, and an addendum to the Phase I and Phase II reports, were performed at the Project site in order to determine the size, nature and significance of prehistoric and historic cultural resources that may be present. Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY. The Phase I assessment investigated approximately 28,000 acres, including the entire 26,417-acre Project site, and the Phase II assessment investigated 33 previously identified archaeological sites in greater detail. Id. These investigations enabled the Draft EIR’s analysis of potential Project impacts to identified resources and recommendations for treatment of these resources, as required pursuant to Public Resources Code Sections 21002 and 21002.1(a)-(b). The Draft EIR concludes that ground-disturbing and excavation activities related to Project construction could cause potentially significant impacts to archaeological/historic resources pursuant to the Kern County Environmental Checklist and CEQA Guidelines Section 15064.5, and identifies Mitigation Measures 4.5-1 through 4.5-37 in order to mitigate these impacts to less than significant. Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY. In addition, based upon the historic presence of Native Americans throughout Kern County, the Draft EIR concludes that the potential for discovery of human remains during Project development is significant and identifies Mitigation Measure 4.5-42 to mitigate this impact to less than significant. Id.

Native American consultants were involved in the Project site investigation process described in discussed in Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY, and will continue to be involved in carrying out Mitigation Measures throughout Project development. The Tejon
Tribe, one of the contacts recommended by Native American Heritage Commission, served as Native American monitors during Phase II testing and evaluation, as did a representative of the California Indian Council Foundation - Chumash. Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY. Project archaeologists also consulted with the Native American Heritage Commission and the individual who the Commission had designated as the Most Likely Descendant. Id. Native American monitors will also be involved in carrying out almost all of those 37 Mitigation Measures identified to mitigate impacts to cultural and paleontological resources. Id.
Comment Letter 11

July 14, 2009

Craig M. Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Subject: Tejon Mountain Village by TMV, LLC
SCH#: 20051018

Dear Craig M. Murphy:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 10, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street  P.O. Box 3044  Sacramento, California  95812-3044
(916) 445-0613  FAX (916) 323-5018  www.qpr.ca.gov
Count of Kern  Chapter 7. Responses to Comments

Comment Letter 11, Cont.

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<tr>
<td>Type</td>
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<td>Description</td>
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<td>Lead Agency Contact</td>
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<tr>
<td>Name</td>
<td>Craig M. Murphy</td>
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<tr>
<td>Agency</td>
<td>Kern County Planning Department</td>
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<td>Phone</td>
<td>661-862-8739</td>
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<tr>
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Date Received 05/27/2009  Start of Review 05/27/2009  End of Review 07/10/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.
Comment Letter 11, Cont.

Craig M. Murphy  
Kern County Planning Department  
2700 “M” Street, Suite 100  
Bakersfield, California 93301  

Tejon Mountain Village by TMV, LLC, Kern County Planning Department, California Aqueduct, Approximate Milepost 298, Southern Field Division, Kern County,  
SCH2005101018  

Dear Mr. Murphy:  

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for Tejon Mountain Village near the community of Lebec. The notice illustrates the proposal by Kern County to change the existing zone classification to Special Planning District, which ensures any future development of the site is consistent with the Kern County General Plan. The proposed Special Plan indicates a total of 7,867 acres will be developed for mixed use including residential and commercial, with approximately 5,082 acres as undeveloped or ranchland. The proposed development encompasses Department of Water Resources (DWR) Right of Way (ROW) at Beartrap Turnout, in addition to other DWR ROW including: Beartrap Drainage Easement, Porter Tunnel, Tunnel 3, Beartrap Access Road, and Pastoria Creek Access Road.

Any development in the vicinity of the California Aqueduct should accommodate existing and future surface-runoff patterns, both upslope and downslope of the DWR ROW. Development having impact to DWR ROW should address flows which are channeled through DWR’s cross drainage facilities in this area. The Developer should survey the area prior to any grading activities to ensure they do not encroach upon DWR lands.

The Tejon Mountain Village development will cross DWR’s ROW in multiple areas. Any development that affects DWR ROW will require an Encroachment Permit from DWR prior to the start of construction. Information on obtaining an encroachment permit from DWR can be viewed at:

  http://www.doe.water.ca.gov/Services/Real_Estate/Encroach_Rel/index.cfm
Comment Letter 11, Cont.

Mr. Craig M. Murphy
JUN 18 2009
Page 2

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to this project should be sent to:

Leroy Ellinghouse, Chief
SWP Encroachments Section
Division of Operations and Maintenance
Department of Water Resources
1416 Ninth Street, Room 641-2
Sacramento, California 95814

In addition, please continue to keep DWR informed of any future actions with respect to Tejon Mountain Village development.

If you have any questions, please contact Leroy Ellinghouse, Chief of the SWP Encroachments Section, at (916) 659-7188 or Mike Anderson at (916) 653-8684.

Sincerely,

Original Signed by

David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814
A review of the Draft Environmental Impact Report (EIR) for the Tejon Mountain Village by TMV, LLC, has raised several issues. The project site is approximately 26,417 acres located in southwestern Kern County. The proposed site development, which would occur within approximately 7,867 acres of the project site, would include 3,450 residences; up to 160,000 square feet of commercial development, hotel, spa, and resort facilities, which include up to 750 lodging units; and up to 350,000 square feet of facilities in support of two 18-hole golf courses, riding and hiking trails, equestrian facilities, two helipads, fire stations, private community centers, electrical sub-station facilities, permanent and interim water treatment and wastewater treatment facilities and access and utilities to serve the project, and ranchland and other undeveloped open space. My Department’s concern would be the Tejon Mountain Village project’s possible impact related to increased traffic, changes in traffic congestion patterns, additional enforcement demands in unincorporated areas, and additional enforcement demands on adjacent Interstate 5 and its on and off ramps. An additional concern would be the impact on CHP Air Operations aerial service and enforcement.

The Draft EIR states Tejon Mountain Village would result in the construction of 3,450 residences, resulting in an increase of approximately 18,571 new residents. Not only would Tejon Mountain Village result in a significant increase in the demands for law enforcement and traffic enforcement services, it would present an additional burden for the surrounding highway system currently in existence. As stated in the EIR, Tejon Mountain Village would result in an increase in traffic from residents, employees, deliveries, visitors, and others, not only on Interstate 5, but on adjoining on and off ramps and county roads, especially considering other proposed projects in the area. The Interstate 5 on and off ramps and surrounding county roads, in their current condition, are insufficient to accommodate the proposed increase in vehicle traffic in a safe and efficient manner. The Interstate 5 on and off ramps are single lane ramps, controlled by posted stop signs. All adjacent roads are two (2) lane undivided highways.

Safety, Service, and Security

CHP 2/Y/FP (Rev. 11-99) CHP O/FP
State Clearinghouse
Page 2
June 16, 2009

It is imperative that Mitigation Measures be implemented to insure the safe and efficient flow of traffic, and to minimize any possible reductions in Department service due to the Tejon Mountain Village, i.e., increased response times, etc.

Should you have any questions, please feel free to contact me at (661) 248-6655.

R.R. ODOM, Lieutenant
Commander

cc: Special Projects Section
Central Division
Comment Letter 11, Cont.

JUL 7 2009

Mr. Craig M. Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Dear Mr. Murphy:

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR KERN COUNTY (COUNTY); TEJON MOUNTAIN VILLAGE (PROJECT); STATE CLEARINGHOUSE NO. 2005101018

We understand the County is not pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. The County may want to consider the CWSRF Program to provide funding for future construction. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California’s water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the California Environmental Quality Act (CEQA) document prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering CWSRF funds. The primary purpose for the CWSRF Program is to implement the Clean Water Act, and related state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, and provide for estuary enhancement, and thereby protect and promote health, safety and welfare of state inhabitants. The CWSRF Program provides low-interest funding equal to one-half the most recent State General Obligation Bond Rates with a 20-year term. Applications are accepted and processed continuously. Please refer to the State Water Board CWSRF website at: www.waterboards.ca.gov/water_issues/programs/grants_loans/cwsrf/index.shtml.

The CWSRF Program is partially funded by the U.S. Environmental Protection Agency and requires additional “CEQA-Plus” environmental documentation and review. Three information sheets are included that further explain the environmental review process and additional federal requirements in the CWSRF Program. In addition, an environmental form is included for the County to submit should it pursue State Water Board funding. The State Water Board can consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF funding commitment for the proposed Project. For further information on the CWSRF Program environmental compliance process please contact Ms. Michelle L. Jones at (916) 341-0933.

It is important to note that prior to a CWSRF funding commitment, projects are subject to provisions of the federal Endangered Species Act and must obtain approval from the U.S. Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species.

California Environmental Protection Agency
Mr. Craig M. Murphy

-2-    JUL 7 2009

Please be advised that the State Water Board can consult with USFWS, and/or NMFS on behalf of the County regarding all federal special status species the Project has the potential to impact. The County will need to identify whether the Project will involve any direct effects from construction activities or indirect effects, such as growth Inducement, that may affect federally-listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106, and the State Water Board's Cultural Resources Officer (CRO) consults directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant for projects having potential impacts to cultural resources. Please contact CRO Ms. Cookie Hrn at (916) 341-6690 to find out more about the requirements, and to initiate the Section 106 process, as applicable.

Native American and Interested Party Consultation is required for Section 106 compliance:

- A Project description and map should be sent to the Native American Heritage Commission (NAHC). The NAHC will provide a list of Native American tribes and individuals that are culturally affiliated with your Project area and recommend that they all be contacted.

- A Project description and map should be sent to everyone on the list provided by the NAHC, asking for information on the Project area.

- Similar letters should be sent to local historical organizations.

- Follow-up contact should be made by phone if possible and a phone log should be included.

- Comments from the NAHC, local tribes and historical organizations affiliated with the Project area, as well as the County responses to these comments should be included in the submittal to the CRO.

Following are specific comments on the County's Draft EIR:

1. Page 3-39 states "All facilities would be constructed in accordance with TCWD [Tejon Castac Water District] and Kern County Health Department design requirements." Please clarify the TCWD and Kern County Health Department design requirements that will be utilized by the Project.

2. Page 3-39 states "In certain lower density areas, a septic tank (non-leach field) effluent pumping (STEP) system using low-pressure sewer may be utilized. For lots larger than 20 acres, alternative systems that meet applicable health and safety requirements may be utilized." Clarify the 'alternative systems' that may be utilized for lots larger than 20 acres.

3. On page 3-38 under "Wastewater Collection and Reclamation" a brief description of the wastewater collection system is provided, but no detailed information on the wastewater treatment facility is included.
Comment Letter 11, Cont.

Mr. Craig M. Murphy - 3 - JUL 7 2009

Page 3-46 states "The Tejon Mountain Village Specific Plan and Community Plan divides the proposed Project into six individual phasing areas, each of which may be developed independently and in any order, partially or completely, in response to market conditions." Please clarify if the wastewater collection and reclamation facility is going to be further addressed in greater detail in a later phase of the Project, if not please provide detailed information on the processes and components of the wastewater collection and reclamation facilities.

4. Air Quality mitigation measure 4.3-1 on page 4.3-105 states:

"Prior to issuance of any building permit, the applicant shall submit evidence, verified by the SJVAPCD [San Joaquin Valley Air Pollution Control District], specific to any portion of site development, that the residential and/or commercial development has a total project construction and operations mitigated baseline below 2 tons per year for NOx [nitrogen oxides] (total project construction and operations) and a mitigated baseline below 2 tons per year for PM10 [particulate matter 10 microns or less in diameter] emissions (total project construction and operations) within the SJVAB [San Joaquin Valley Air Basin]. Required reductions can be achieved from any combination of project design, compliance with the ISR [Indirect Source Rule], a DMC [Development Mitigation Contract] or VERA (Voluntary Emission Reduction Agreement). If a DMC/VERA is utilized, a copy of the executed agreement and implementing reports shall be provided to the Planning Department to substantiate compliance. As there still could be unmitigated emissions of VOC (volatile organic gases) under this mitigation measure, participation in any air mitigation program adopted by Kern County that provides equal or more effective mitigation than this mitigation measure can be utilized as a replacement for the requirements of this mitigation measure."

CEQA Guidelines, Section 15126.4(c) states "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time." The above listed mitigation measure states that future mitigation measures not analyzed may be implemented to replace Air Quality mitigation measure 4.3-1. The County must state and describe the optional mitigation measures that may be used in place of Air Quality mitigation measure 4.3-1, and can not defer mitigating Project Impacts to a future time.

Please note that mitigation measures must include specific feasible actions that will minimize or avoid potential Project related impacts as stated in CEQA Guidelines, Section 15570. Air Quality mitigation measure 4.3-1 is not a specific feasible action. Stating total Project construction and operations will be mitigated below the 2 tons per year baseline for PM10 and NOx, and that required reductions can be achieved from any combination of project design, compliance with the ISR, a DMC or VERA is not a specific feasible action.

The County needs to correct Air Quality mitigation measure -4.3-1 to comply with CEQA Guidelines. Also please make this change for all mitigation measures used by the Project to mitigate Project related impacts.

California Environmental Protection Agency

Final Environmental Impact Report
Tejon Mountain Village Specific and Community Plan
7-461 August 2009
Comment Letter 11, Cont.

Mr. Craig M. Murphy
-4-

JUL 7 2009

Thank you once again for the opportunity to review the County’s Draft EIR. If you have any questions or concerns about the State Water Board environmental compliance process please feel free to contact me at (916) 341-6983, or by email at MJones@waterboards.ca.gov, or Parker Thaler at (916) 341-7388, or PThaler@waterboards.ca.gov.

Sincerely,

Michelle L. Jones
Environmental Scientist

cc: State Clearinghouse
(Re: SCH# 2005101018)
P. O. Box 3044
Sacramento, CA 95812-3044

Steve Popeno, P.E.
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
1690 E Street, Fresno, CA 93706
July 9, 2009

Mr. Craig M. Murphy  
Supervising Planner  
Kern County Planning Dept.  
2700 "M" Street, Suites 100  
Bakersfield, CA 93301

Dear Mr. Murphy:

We have reviewed the draft EIR for Tejon Mountain Village. This proposal will encompass 26,417 acres with 3,450 dwellings, a hotel, commercial, and recreational uses. The site is located on the east side of Interstate 5, from Frazier Mountain Road to Fort Tejon. Caltrans has the following comments:

As stated in Chapter 9, Article 4 of the Caltrans Project Development Procedures Manual, modification to existing access points to the Interstate System requires approvals by both Caltrans and the Federal Highway Administration (FHWA). Caltrans would represent this proposal before the FHWA, if we agree with the findings. The developer (sponsor) should not submit this proposal directly to the FHWA. As this project is sponsored by a private developer and is accompanied with its complexity and potentially significant impacts to I-5, a Project Study Report (PSR) may serve as a Project Initiation Document (PID). Development of mitigation measures such as reconstructing and relocating existing access points on I-5 will need to follow the PID process. Such processes will include detailed multidisciplinary reviews by other functional units.

The traffic impact study (TIS) should include merging and diverging analysis at the I-5 on-ramp and off-ramp junctions for all three interchanges in the Lebec area. Calculation worksheets are required to be included in the report.

The study is required to provide a summary of the analysis output comparison between the roundabout and traffic signals alternatives. The summary should include information such as, but not limited to, level of service, queue lengths, delays, and volume to capacity ratios.

Figure 5-6 provides forecast traffic volume for the Lebec Road interchange area. It projected a total of 1,450 vehicles per hour at the northbound off-ramp. According to the Highway Design Manual, a two-lane exit ramp with an auxiliary lane prior to the exit lane is required for volumes exceeding 1,500 equivalent passenger cars per hour.

11-F Cont.
Mr. Craig M. Murphy  
July 9, 2009  
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The TIS should also include arterial roadway segment analysis, in particular at the existing two-lane Lebec Road Overcrossing. This analysis will be crucial to determine the number of lanes required to accommodate future forecast traffic volumes. The current Transportation Concept Report (TCR), dated July 2005, states that the ultimate Lebec Road Overcrossing span should accommodate ten (10) lanes plus auxiliary lanes if needed.

The TIS suggests that one of the mitigation measures involves rerouting truck traffic to SR 58 and to use SR 58 as a truck bypass route. This proposed mitigation measure cannot be accepted as it would create negative impacts on SR 58 and the trucking industry. On page ES-16, under Regional Improvements, it mentions a SR 58 bypass project. There is no known project. The idea of using SR 58 as a truck bypass cannot be accepted. It is also suggested that an HOV project on I-5 will eliminate the project impact. This statement is inaccurate. HOV projects may mitigate the impact, but not eliminate it, as the impact will still be there. Please be advised that an HOV project requires new lanes to be built; none of the existing lanes can be converted into HOV lanes.

The TIS does not include the cumulative impacts on the freeway systems due to the proposed Centennial project located at the northeast corner of I-5 and State Route (SR) 138.

For Table 3-3 (page 3-10), a sample calculation is required to illustrate how the information under SP/Lane column is obtained. The TIS also needs to provide justification of using sp factor of 0.95 on I-5.

It is unclear whether the data presented in Table 3-4 represents peak hour traffic volume. In general, the volumes appear low; therefore, it is required that the study verify the existing freeway volumes.

For the roundabout alternative, the study is required to provide electronic SIDRA input files as well as detailed geometric information for review. The geometric information should include, but not limited to, truck turning path, fastest path diagram, and sight distance diagram. The SIDRA output files need to include information such as queue delay and degree of saturation for each approach leg.

Regarding Table 5-1 (page 5-10), a signal-controlled analysis output should be included in conjunction with the roundabout alternative.

Regarding Table 5-4 (page 5-16), the v/c ratio of 0.97 is too close to the maximum capacity of v/c=1.0 for the northbound off-ramp at the Lebec Road Interchange. Mitigation measures must be provided in the study report.

In regards to Table 6-2 (page 6-6), it is unclear whether the LOS analysis is with or without stage 1b improvements. The table should show LOS after improvements for each stage (1a, 1b, and 2).

In Section 7.4 (page 7-3), the study is required to provide analysis for the west side of I-5 (with stage 1a improvements) when the stage 1b improvements are built.

"Celerity imparts mobility across California"
County of Kern  Chapter 7. Responses to Comments


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On page 7-3, at the Frazier Mountain Park Road interchange, it is proposed to convert the northbound ramp terminus to an all-way-stop-controlled intersection as an interim improvement. This needs to be substantiated and justified with engineering analysis as traffic queuing on Frazier Mountain Park Road may affect the southbound off-ramp.

On page 7-9, Table 7-3, the proposed mitigation for the Frazier Park Estates shows that the signal at the intersection of Lebec Road and Peace Valley Road would operate at an LOS of “F”. This study should provide adequate mitigation to address the deficiencies. The commercial developments should also be set as threshold for project phasing.

In Section 8.2.2, on page 8-11, the monitoring program should include commercial components in the proposed threshold. The objective LOS for the Lebec Road Interchange should be “C” as opposed to “D” as stated in the report. In addition, the report should state who will monitor and enforce the monitoring program, and whether construction bonds would be posted.

In Appendix “E”, a PHF of 0.92 is used in the Synchro worksheets. According to the Highway Capacity Manual, a lower PHF factor is typically a characteristic of a rural freeway. Thus the study is required to provide justification for PHF of 0.92.

The project site is adjacent to access control right-of-way. Access from the State right-of-way is prohibited.

A preliminary cost estimate for all proposed work within the State right-of-way must be submitted with an encroachment permit application to determine how the project will be processed through the Department. The project will be considered a “special funded project” and shall be handled by Project Development and Project Management if the project cost exceeds $1,000,000, except for utility projects.

No advertising signs are allowed in or over the State right-of-way. A sign permit may be required for advertising signs adjacent to and visible from the State highway right-of-way.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under, or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Code, Section 671.5, “Time Limitations.”

Encroachments are subject to removal by the Department in accordance with Sections 673 and 720 of the Streets and Highway Code.

"Caltrans improves mobility across California."
Comment Letter 11, Cont.

Mr. Craig M. Murphy
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Page 4

If you have any questions, please call me at (530) 445-5232.

Sincerely,

[Signature]

NWA ZITO
Office of Transportation Planning
District 6

C. Mr. Scott Morgan, Senior Planner, State Clearinghouse

"California improves mobility across California."
Comment Letter 11, Cont.

State of California—Health and Human Services Agency
Department of Public Health

July 8, 2009

Craig M. Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA  93301

Subject: Draft Environmental Impact Report, Tejon Mountain Village by TMV, LLC;
SCH No. 2005101018

Dear Mr. Murphy:

Thank you for the opportunity to review the above document. The California
Department of Public Health (CDPH), Division of Drinking Water and Environmental
Management is responsible for issuing water supply permits administered under the
Safe Drinking Water Program. CDPH will be a "responsible agency" pursuant to the
California Environmental Quality Act (CEQA) and will need to issue a Domestic Public
Water System Permit for the above referenced project.

The Tejon Mountain Village (TMV) project includes the development of up to 3,450
residential units, up to 160,000 square feet of commercial development, up to 750
hotel/resort lodging units, two 18-hole golf courses, and additional support facilities. Per
information provided in the document, the potable water supply will be provided by the
Tejon-Castac Water District (TCWD) through an existing turnout facility located at mile
298.65 of the California Aqueduct. The potable water system will include a series of
pipelines, pumping stations, lifts, water storage reservoirs, and a water treatment facility
designed to treat approximately 5-million gallons of water per day. No local
groundwater will be used to meet the project's potable or nonpotable water demand.
The project site will be located approximately 40 miles south of Bakersfield and 60 miles
north of Los Angeles on property owned by the Tejon Ranch Company.

In accordance with the Section 116275 of the California Health & Safety Code, the
water system developed to serve the project would be classified as a public water
system and will be required to obtain a domestic water supply permit before operating.
Due to the complexity and design of the proposed project, the owner/developer should
contact the California Department of Public Health (CDPH), Tehachapi District Office
during the planning and design process to discuss our permitting requirements and the
recently adopted changes to the California Waterworks Standards.
Comment Letter 11, Cont.

Please contact Jesse Dhallwal, District Engineer, Tehachapi District Office, at (661) 335-7315 if you have any questions regarding permit applications, permits, or permit amendments. If you have any questions about this letter, please call me at (916) 324-6894 or email to lance.sallisbury@cdph.ca.gov.

Sincerely,

[Signature]

Lance Sallisbury
CDPH Environmental Review Unit

Cc: CDPH Tehachapi District Office
Drinking Water Field Operations
1200 Discovery Drive, Suite 100
Bakersfield, CA 93309

Governor's Office of Planning and Research, State Clearinghouse
July 14, 2009

Craig M. Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Subject: Tejon Mountain Village by TMV, LLC
SCH#: 2005101018

Dear Craig M. Murphy:

The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 10, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2005101018) when contacting this office.

Sincerely,

[Signature]

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency
Comment Letter 11, Cont.

July 13, 2009

Craig M. Murphy  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield, California 93301

Subject: Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village Specific and Community Plan (SCH No. 200510010)

Dear Mr. Murphy:

The California Department of Fish and Game has reviewed the DEIR for the Tejon Mountain Village Specific and Community Plan (Project). The Project site is approximately 26,417 acres in size, and the proposed development would occur within a 7,857-acre development envelope, of which an approximately 5,062-acre building area would ultimately be developed. The proposed development includes 3,450 residences, up to 160,000 square feet of commercial development, hotel, spa, and resort facilities, various recreational and public safety facilities, water and wastewater treatment facilities, and access and utilities to serve the project. Approximately 21,335 acres (81 percent) of the site would be permanently preserved as ranchland and other undeveloped open space, much of which would be open for various recreational uses. The Project site is located in southern Kern County, primarily in the area east of Interstate 5 near the Lebec Road Interchange, which is approximately 40 miles south of Bakersfield and 60 miles north of Los Angeles.

The surveys and associated analysis that were conducted to characterize the biological resources present in the Project area are quite impressive; the Department applauds these efforts. Our specific comments follow.

California Condor

Page 3-45: This states that the Tehachapi Upland Multi Species Habitat Conservation Plan (TUMSHCP) would not authorize "lethal" "take" of California condor. It is important to note that "take," as defined by Section 86 of the Fish and Game Code (FGC), and which is prohibited by FGC Section 3511 (fully protected birds), is not limited to "take" which is lethal in nature. "Take" of fully protected species can be permitted for research and recovery actions, but not for project-related "take." Actions undertaken by federal agents, such as the United States Fish and Wildlife Service (USFWS), may not be subject to this State law.

Conserving California's Wildlife Since 1870

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July 13, 2009
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Page 4.4-120 (bullet c): If there are activities observed that “otherwise presents an unreasonable and avoidable danger” to California condor, Department and USFWS enforcement should also be immediately notified; direction for remedy should not come exclusively from the Property Owner’s Association manager and Project Biologist, as some activities that could fall under this scenario may warrant enforcement action.

The list of restrictions in Mitigation Measure 4.4-5 to prohibit the addition of any incompatible structures in areas used by California condor should be included as terms of the recorded Conservation Easement. This will result in these protective actions being implemented in perpetuity.

Page 4.4-121 (bullet b): The Department also has jurisdiction over California condor since it is a State endangered and fully protected species, and, as a result, Department review and approval of any proposed individual wind turbines should be required as well.

Other Avian Species
Since Project build-out will occur over many years, and avoidance of certain listed species is being assumed, we recommend repeating focused (protocol-level where applicable) surveys for species such as Least Bell’s vireo and Little Willow flycatcher, in the season prior to construction of any given phase of the development. These species are unlikely to be incidentally observed during “pre-construction” surveys or outside of focused surveys by biologists.

Tehachapi Slender Salamander
Mitigation Measure 4.4-33: Unlike more vagile salamander species, pitfalls trapping may not be an effective survey technique for Tehachapi slender salamander. Unless there is new information indicating to the contrary, we recommend removing pitfall trapping as a pre-construction survey method as it will likely have limited effectiveness.

Mitigation Measure 4.4-38: The Department should be consulted about placement of culverts that are to serve as salamander crossings.

It is unclear how close home sites and the associated required fire clearance can or will get to streams and associated riparian areas inhabited and potentially inhabited (as modeled) by Tehachapi slender salamander. Close proximity of inhabited structures and the associated vegetation clearance to certain streams could result in indirect impacts to Tehachapi slender salamander from a reduction in instream shading, runoff, trampling from foot traffic, etc. This should be clarified to better inform the impact analysis and significance determination made for this species. This detail will be especially important for the “take” analysis required by the California Endangered Species Act (CESA).
Comment Letter 11, Cont.

Craig M. Murphy
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Page 3

It is also unclear what access limits, if any, will be placed on livestock (like horses) owned by residents. We recommend that residential livestock access to streams potentially inhabited by Tehachapi slender salamander be prohibited at all times to minimize direct and indirect impacts to this species. This recommendation does not pertain to general Tejon Ranch grazing activities.

The DEIR prudently provides a conservative estimate for impacts to streams under the jurisdiction of the Department under FGC Sections 1600 et seq., by assuming that all jurisdictional areas within the development envelope could potentially be impacted by development. While this is an appropriate strategy for the California Environmental Quality Act (CEQA) analysis, please note that in order to issue a State Incidental Take Permit for Tehachapi slender salamander, the analysis of the taking will warrant more detail. For example, the number, placement, and design of permanent stream crossings and any potential associated hydrological modifications would be important for our “take” analysis.

Streambed Alteration
Page 4.4-124 (bullet e): “or as required by an approved Streambed Alteration Agreement issued by the Department” should accompany “as nearly as practical.”

Mitigation Measure 4.4-47 correctly states that final mitigation measures will be determined by the Department and the Army Corps of Engineers. It is important to note that contrary to the language in (c) which states “performance standards for cover shall be developed by the master developer,” the Department will make this determination for restoration actions required to mitigate impacts to vegetation within the bed, bank, or channel of a lake or stream, based on information usually provided by a restoration ecologist or biologist with similar training.

CESA Permitting and Implementation
If the Project Biologist, as described on Page 4.4-77 and in Mitigation Measure 4.4-33, will be the individual implementing measures required in a State Incidental Take Permit to avoid and minimize direct “take,” this individual, or the individual implementing activities, such as salvage of Tehachapi slender salamander, will need to be approved by the Department.

Conservation Areas
The open space dedications/Conservation Easements should be recorded prior to ground-disturbing activities proceeding for that phase of the Project. Language in the DEIR indicates that “the open space within each planning area will be assured upon recordation of the tentative tract map for each planning area.” This should be clarified; “assured” could be interpreted to mean that the easement is simply in process or will be in process. A clear timeline for execution (recording) of the easement should be specified.
Comment Letter 11, Cont.

Craig M. Murphy  
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The final Resource Management Plan should be appended to the recorded Conservation Easement, so that it applies in perpetuity.

Property owners are to maintain a “low water” regime within 100 feet of open space (Page 4.4-447, Mitigation Measure 4.4-16), but it is not clearly stated that watering is completely precluded in the open space areas themselves. We recommend that watering or planting of any type in open space be prohibited, with the exception of formal restoration areas; homeowners should be precluded from any on or off lot supplemental planting or watering in open space.

If Resource Management Plans (Page 4.4-434, Mitigation Measure 4.4-13) are to be used in part to avoid and minimize impacts to listed and other special status species as proposed, the resource agencies (Department and USFWS) should be able to review and approve these plans prior to finalization.

It is unclear who makes the determination in Mitigation Measure 4.4-17 as to which areas are “not sensitive to pet disturbance.” Criteria should be specified and this determination should be made by a qualified biologist.

Oaks
There is a comprehensive plan on avoidance and minimization of oaks during construction, as well as for minimizing indirect impacts to oaks on individual lots by limiting activities such as planting underneath the canopy and supplemental watering in the open space, but strict limitations or prohibitions against homeowners pruning and removing oaks on their lots seems to be lacking. In areas where construction-related impacts to oaks are being avoided and minimized, further protection of oaks present on lots is warranted, perhaps under the umbrella of the Homeowners Association, provided there are strict consequences for non-compliance.

Urban Wildlife Conflicts
The Department appreciates that Tejon Ranch has committed to implementing and enforcing (via the Homeowners Association) Department recommended and other standard measures to reduce the potential for urban wildlife conflicts. However, even with implementation of all of those measures, there will be at least occasional direct or indirect conflicts with species such as black bear, California mule deer, wild pig, and mountain lion. The Department does not have adequate staffing to address the inevitable increases in requests for depredation permits or to directly handle these issues as they arise. However, Kern County does have an agreement with the United States Department of Agriculture (USDA) that provides for the assistance of Wildlife Services agents to effectively trap and removes species as authorized in Depredation Permits from the Department. It is unlikely that the current contract is sufficiently funded to

Craig M. Murphy
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handle the additional workload that would result from this Project at full build-out. We recommend that the existing USDA contract be evaluated by Kern County, and its Agricultural Commissioner, and that it be amended and its funding enhanced to ensure that adequate services can be provided.

If vineyards or other types of agriculture will be allowed on any of the home lots or within the Project area, we recommend that these sites be completely enclosed by wildlife "proof" fencing that is designed in consultation with the Department. Vineyards and other crops will be a major attractant for bear, deer, pig, and many other species of wildlife. While such fences will not completely preclude access by the aforementioned species, it will significantly reduce the number of animals that gain access and subsequently be "taken" as allowed by law under Depredation Permits. The Department is very concerned about the significant loss of wildlife that would result if such fencing is not required.

The Department should be involved in the review and approval of the conservation education and citizen awareness program required by Mitigation Measure 4.4-18, as this program’s purpose is to avoid and minimize impacts to biological resources.

Cumulative Impacts
This may have already been done, but measures in the Tehachapi Upland Multi Species Habitat Conservation Plan (TUMSHCP) that avoid or minimize impacts to wildlife in association with this Project should be required in perpetuity by inclusion in the Final Environmental Impact Report and conditions of approval; the TUMSHCP is valid for 50 years whereas impacts associated with this Project are permanent. This is especially important for species such as California condor, where issues such as microtrash availability that inevitably accompany human activity need to be controlled in perpetuity. This may in fact be a non-issue, but we are uncertain since the Department is currently unfamiliar with the details of the TUMSHCP; due to the gag order, we were unable to review or provide input to development of the TUMSHCP. Typically, the Department is quite involved with development of large conservation plans that involve State-listed species. Since this DEIR, TUMSHCP, and Frazier Park DEIR were all out for review and comment simultaneously, the Department has been unable to review and provide input on the TUMSHCP thus far.

General Comments
- Since Project implementation will take place over many years, it would be prudent to identify a mechanism to track and report the footprints associated with the building of custom homes and infrastructure, and for the associated recordation of open space easements/deed restrictions.
Comment Letter 11, Cont.

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- Page 4.4-46, "Protected Wildlife Species under the California Endangered Species Act": White-tailed kites should be removed from this list, as it is fully protected but not listed under CESA, and the Tehachapi slender salamander, which is State threatened, should be added.

- Page 4.4-69, last sentence: This should be corrected; insects are not listed under CESA but other invertebrates such as mollusks and crustaceans are.

- Tables 4.4-23 and 4.4-80: The designation of striped adobe lily as unlisted is incorrect; this species is State threatened under CESA.

- Tables 4.4-32 and 4.4-99: Hoover’s eriastrum should be designated as delisted under the Federal Endangered Species Act.

- Tables 4.4-64 and 4.4-131: American peregrine falcon should also be designated as fully protected.

- Tables 4.4-67 and 4.4-133: "or CESA" should be removed, since Swainson’s hawk is State threatened.

- Mitigation Measure 4.4-20: The maintenance plan should also anticipate how to address conflicts with burrowing animals such as, but not limited to, California ground squirrel and American badger. Use of rodenticides should be avoided.

- Page 4.4-130 (bullet ii): "Take," which includes capture under FGC Section 86, of American badger is prohibited by Title 14, California Code of Regulations (Sections 670.2 and 670.5). As a result, trapping of this species should not be considered.

- Mitigation Measure 4.4-27: This strategy to avoid and minimize impacts to nesting birds should be recorded as a term in the Conservation Easement if any of the proposed easement lands overlap with the fuel modification zones.

- Mitigation Measure 4.4-31: The grazing management plan should be recorded as a term in or appended to the Conservation Easement.

- Page 4.4-355 (bullet c): Performance standards for cover and recommendations for corrective action in restoration areas should be determined by a restoration ecologist rather than the "master developer."

- The water quality/hydrology Chapter should describe direct impacts to surface waters, a brief description of Fish and Game Code Sections 1600 et seq., as well
Craig M. Murphy
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as other State water quality regulations that are contained within the Fish and Game Code, such as FGC Sections 5650 and 5652.

- Mitigation Measure 4.4-43 states that ringtail could be trapped out of the Project disturbance zone. This is not a feasible avoidance measure since this species is fully protected; capture is defined as "take" by FGC Section 86, and FGC Section 4700 prohibits "take" of fully protected mammals.

The considerable effort that went into preparation of this DEIR and supporting materials is evident, and we appreciate the opportunity to review and comment. If you have any questions on our comments, please contact Julie Vance, Senior Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 222.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

cc: State Clearinghouse
Post Office Box 3044
Sacramento, California 95812-3044

United States Fish and Wildlife Service
Ventura Office
2493 Portola Road, Suite B
Ventura, California 93003

Tejon Ranchcorp
Post Office Box 1000
Liceo, California 93243

Helen Birss
Department of Fish and Game
South Coast Region

Kevin O’Connor
Department of Fish and Game
Central Region
Comment Letter 11, Cont.

July 16, 2009

Craig M. Murphy  
Kern County Planning Department  
2700 M Street, Suite 160  
Bakersfield, CA 93301

Subject: Tejon Mountain Village by TMV, LLC  
SCEID: 2005101018

Dear Craig M. Murphy:

The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 10, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the four-digit State Clearinghouse number (2005101018) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclauens

cc: Resources Agency
Comment Letter 11, Cont.

California Regional Water Quality Control Board  
Central Valley Region  
Karl E. Longley, ScD, P.E., Chair  
1685 I Street, Fresno, California 93728  
(559) 443-5116 • Fax (559) 443-5910  
http://www.waterboards.ca.gov/centralvalley

13 July 2009

Mr. Craig Murphy  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 933243

DRAFT ENVIRONMENTAL IMPACT REPORT, TEJON MOUNTAIN VILLAGE PROJECT, KERN COUNTY, SCH#2005101018

Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff reviewed the Water Quality section of the Draft Environmental Impact Report (draft EIR) for the proposed Tejon Mountain Village development, a project slated on more than 28,000 acres east of Interstate 5 and the community of Lebec, approximately 40 miles south of Bakersfield in Kern County. The project would include 3,450 residences, up to 160,000 square feet of commercial development, up to 750 vacation lodging units, two 18-hole golf courses, and up to 350,000 square feet of support facilities. The Tejon-Castac Water District would provide water and sewer services for the development.

The project description in the draft EIR mentions interim and permanent water and wastewater treatment facilities. However, the draft EIR does not provide any details for interim facilities.

The draft EIR describes a permanent, onsite wastewater treatment facility with fine screening, flow measurement, influent flow equalization, tertiary treatment with membrane bioreactors, ultraviolet disinfection, waste sludge dewatering, and sludge stabilization and drying in engineered greenhouses. The membrane bioreactors would provide nitrogen removal to a concentration of 10 mg/L or lower by means of an activated sludge nitrification/denitrification process. Treated effluent would be stored in about 60 acres of onsite ponds during wet months until it can be used for irrigation.

The two planned 18-hole golf courses would use a significant portion of the recycled water generated by the project. The final EIR should include a contingency plan that describes the impacts to water quality associated with alternative use or disposal of the wastewater treatment facility effluent in the event that one or both golf courses shut down or cannot receive effluent.
Comment Letter 11, Cont.

The draft EIR indicates that at full buildout, the project would utilize approximately 800 acre-feet of water per year to irrigate the golf course and other landscaped areas. A rough estimate of expected wastewater generation from the project suggests more than 1,000 acre-feet per year of effluent would be available for reuse. Consistent with policy of the State and Regional Water Boards, reclamation of the effluent for beneficial reuse needs to be maximized to the extent feasible.

As recognized in the EIR, the project’s wastewater discharges are subject to Central Valley Water Board regulation. At least 140 days prior to initiating discharge, the applicant must submit a Report of Waste Discharge (RWD) to this office in support of any wastewater discharge pursuant to California Water Code Section 13260. The RWD must contain sufficient information in this regard for staff to evaluate the discharge’s threat to water quality and whether the discharge reflects best practicable treatment or control. The applicant can contact this office for information on how to complete a RWD.

The draft EIR indicates that there may be groundwater quality degradation due to the salinity of the recycled water. Because of the time delay associated with infiltration and groundwater flow, monitoring groundwater (as described in Mitigation Measure 4.8-44) is not an appropriate mitigation measure for potential degradation. Groundwater monitoring should serve to demonstrate whether the use of recycled water is protective in the long term.

The final EIR needs to provide sufficient information to evaluate the potential impact to water quality of the project, including impacts from wastewater treatment facility effluent discharges and stormwater management practices. State Water Resources Control Board Resolution No. 88-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California (Antidegradation Policy) prohibits degradation of receiving water (including groundwater) unless certain conditions have been met.

In addressing the Antidegradation Policy, the final EIR should specifically include:

1. An assessment of the extent to which the project is expected to degrade groundwater based on wastewater treatment facility effluent quality and groundwater quality underlying the reclamation areas.

2. For each constituent for which degradation is expected, a description of how the degradation will be consistent with the maximum benefit of the people of the State.

3. A comparison of predicted concentrations of waste constituents in groundwater to water quality objectives (e.g. Maximum Contaminant Levels for drinking water). The final EIR needs to document that beneficial uses of groundwater in the area will be protected despite any degradation caused by the project.

4. A description of how the project will employ best practicable treatment or control of constituents of concern in discharges associated with the project that will degrade groundwater.

Best Management Practices (BMPs) for stormwater management are planned to reduce stormwater-related water quality impacts to surface water in these watersheds. The project would generally result in an increase in stormwater flow, with an increased concentration of metals and a decreased concentration of total solids compared to the no project alternative.
The final EIR should address the impact from the change in stormwater volume and quality on both surface waters and groundwater.

The Notice of Preparation included Castac Lake as part of the project. The project site surrounds Castac Lake, but the draft EIR specifically excludes the lake as part of the project. A significant portion of the project drains to Castac Lake. The final EIR needs to fully evaluate impacts from the project on Castac Lake and Grapevine Creek. The draft EIR states that the Tejon Ranch Company has managed the lake to maintain a consistent shoreline since about 2001 and a lake aeration system in the northeastern portion of Castac Lake controls the lake's oxygen levels. The lake level has reportedly been maintained by groundwater pumping. The decreased storage capacity associated with maintaining the lake surface elevation combined with increased runoff from impermeable surfaces, synchronized tributary flow peaks, and other development-related stormwater issues increase the flooding potential of the basin. Groundwater pumping to unnaturally maintain the lake level may adversely affect groundwater quality and Grapevine Creek. The final EIR should address potential groundwater and surface water quality impacts, particularly downstream of the lake, resulting from maintenance of the lake shoreline, lake aeration, and any other significant lake management practices.

Mitigation Measure 4.8-31 states in relevant part:

Prior to the initiation of grading, the project shall request and receive written confirmation from the Tejon Ranch Company that swimming or other contact recreational activity shall be permanently prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the project and that are owned by the Tejon Ranch Company. The project area Geologic Hazard Abatement District... with water quality management and compliance responsibilities shall post signs and provide educational materials to project residents and guests prohibiting contact with flowing waters in on-site drainages during and following storm events to prevent pathogen exposure.

An articulated goal of the federal Clean Water Act is that waterbodies should achieve sufficient water quality to provide, “for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water...” This goal is advanced by setting designated uses (known as “beneficial uses” in California) for waterbodies, and then developing water quality standards to protect these uses. Castac Lake and its tributaries are waters of the U.S., and Castac Lake, its tributaries, and Grapevine Creek are also waters of the State. These waters are “westside streams” as defined by the Water Quality Control Plan for the Tulare Lake Basin, Second Edition (Revised In 2004) (Basin Plan), and the beneficial uses of these waters are designated as agricultural supply, industrial service supply, industrial process supply, hydropower generation, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, rare, threatened, or endangered species, and groundwater recharge. These uses are designated as such because the water in these waterbodies was of sufficient quality to achieve these uses on the date when the amendments to the federal Clean Water Act took effect (November 23, 1975). These uses are existing uses that must be protected under federal and State law. Proscription of uses, as described in Mitigation Measure 4.8-31, is not protective of the uses. The draft EIR should include mitigation measures that ensure project activities do not adversely impact any of the
designated beneficial uses of Castac Lake, its tributaries, and Grapevine Creek. Mitigation Measure 4.8-31 should be revised accordingly or deleted.

Thank you for the opportunity to comment on this proposed project. If you have any questions regarding this matter, please contact Steve Popence at (559) 444-2418.

LONNIE M. WASS  
Supervising Engineer  
RCE No. 38917

cc: State Clearinghouse, Sacramento
Comment Letter 11. Governor's Office of Planning and Research
State Clearinghouse (July 14, 2009)

Response 11 A.

Thank you for your comment. The Governor's Office of Planning and Research (OPR) states that the State Clearinghouse submitted the Tejon Mountain Village Draft EIR to selected state agencies for review. Commentor also requests that all future correspondence with the State Clearinghouse refers to the State Clearinghouse No. 2005101018 assigned to the Tejon Mountain Village Draft EIR. As requested, State Clearinghouse No. 2005101018 will be referenced in all future correspondence with the State Clearinghouse regarding the Tejon Mountain Village Draft EIR. Additionally, all comments received as a result of the State Clearinghouse submittal, as well as responses to those comments, have been included in this Final EIR Section 7.6, RESPONSE TO COMMENTS.

Response 11 B.

The comment accurately quotes CEQA Public Resources Code Section 21104(c), which specifies that responsible agencies shall only make substantive comments regarding those activities involved in a Project which are within an area of expertise of the agency. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Further, this CEQA Section has been considered in the review of agency comments and responses have been prepared accordingly.

Response 11 C.

The comment notes that OPR forwarded attached comment letters from state agencies to the County in order to prepare the Final EIR, and recommends that the County contact the agencies directly should any questions arise. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Further, the comments forwarded by the State Clearinghouse, as well as responses to those comments, have been included in this Final EIR Section 7.6, RESPONSE TO COMMENTS. OPR's offer of assistance when needed by the County is appreciated.

Response 11 D.

The comment acknowledges that the County has complied with State Clearinghouse review requirements for draft environmental review documents pursuant to CEQA. The comment includes contact information for State Clearinghouse staff in case any questions arise. OPR's offer of assistance when needed by the County is appreciated.

Response 11 E.

The comment includes the Document Details Report as recorded in the State Clearinghouse Database. The Document Details Report lists the State Clearinghouse Number, information about the Project and the reviewing agencies to whom the Draft EIR was sent. This comment accurately lists information about the Tejon Mountain Village Project review process.

Response 11 F.

The comment is an attachment, and includes the comment letters from state agencies that commented on the Project EIR. These comments letters, as well as the corresponding responses have been included in this Final EIR Section 7.6, RESPONSE TO COMMENTS.
Comment Letter 12

July 13, 2009

Craig M. Murphy
Supervising Planner
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield CA 93301-2307

RE: Tejon Mountain Village by TMV, LLC
Draft Environmental Impact Report (DEIR) SCH # 2005101018

Dear Mr. Murphy:

The Tehachapi District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village by TMV, LLC, SCH # 2005101018.

State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21062.1, a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15368 for the resources affected by the proposed project. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state’s extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

As the office responsible for the stewardship of Fort Tejon State Historic Park, we have an interest and concern about contemplated alterations of land use adjacent to the park. The long-term health of the Fort Tejon State Historic Park is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

We wish to begin by complementing the project applicant for entering into a Conservation and Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, Natural Resources Defense Council, Planning and Conservation League, and Sierra Club (known collectively as the Resources Groups) and the newly formed Tejon Ranch Conservancy (Conservancy) for the permanent protection over approximately 90% of the 270,000 acre Ranch. We applaud their effort to permanently protect open space. State Parks looks forward to developing a close cooperative working relationship with the Tejon Ranch Company and the Tejon Ranch Conservancy in the creation of a new State Park within the conserved lands. Through careful planning and open communication, it is my belief that each entity can become a tremendous asset to the other.

GENERAL COMMENTS

The protected public lands of Fort Tejon State Historic Park represent a tremendous public investment in the protection and preservation of both cultural and natural resources. Million dollars has been invested to date at Fort Tejon State Historic Park to protect and interpret the cultural history of a pre-civil war United States Army Fort. Countless numbers of volunteer hours from community groups and individuals have been and continue to be dedicated in interpreting this priceless area to the thousands of people that visit this park annually.

12-A

12-B

12-C
Comment Letter 12, Cont.

Craig M. Murphy  
Tejon Mountain Village by TMV, LLC  
July 13, 2009  
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The effort to preserve this outstanding example of historic culture has generated tremendous support. Supporters include conservation and other grassroots groups, local government, state and federal agencies, and state and federal legislators.

12-C cont.

As described in the DEIR, the project site encompasses approximately 26,417 acres in southern Kern County. The project involves entitlements that would allow for the development of up to 3,450 residential units, 160,000 square feet of commercial development, 750 hotel/resort lodging units, two 18-hole golf courses and additional support facilities. State Parks is concerned that the project may result in impacts to Fort Tejon State Historic Park.

12-D

AESTHETICS AND VISUAL RESOURCES

- We are concerned that the project will impact the landscape surrounding Fort Tejon State Historic Park, which benefits from the scenic views shed surrounding the park. The proposed development of this project will alter the natural terrain that provides the setting for the historic fort, instead introducing elements of an urban landscape. Through grading, the mountainous views shed east of the park will be transformed, forever changing the views that visitors see. These impacts are not adequately assessed in the EIR, which should be revised to include a more thorough analysis of the project’s impacts to views from Fort Tejon State Historic Park and to the park’s historic setting. Mitigation measures such as screening and/or re-vegetation need to be implemented to minimize those impacts.

12-E

- We ask that only native species be used for screening and re-vegetation in those areas. We also request that plant seeds and propagules be of local provenance.

12-F

CULTURAL RESOURCES

- Given the proximity of the project site to the State Historic Park and our responsibility to provide high quality education opportunities, we request that State Parks be given copies of all reports about archaeological or historic resources at the project site, and that the County ask the repository entity to cooperate with State Parks in making information and artifacts available for educational programs.

12-G

HYDROLOGY AND WATER QUALITY

- The proposed project has the potential to affect stormwater runoff and flooding at Grapevine Creek, which flows through the state historic park and receives runoff from Castac Lake. Because the lake is already managed to maintain high water surface elevations, stormwater runs rapidly off it and into the creek, increasing flooding and bank erosion hazards where the creek flows through the state historic park. The Park has been identified by the Federal Emergency Management Agency (FEMA) as a flood risk zone.

12-H
Craig M. Murphy  
Tejon Mountain Village by TMV, LLC  
July 13, 2009  
Page 3 of 3

- Stormwater runoff from the project's impervious and landscaped areas, including common areas, private homes, and other on-site facilities, could affect runoff volumes and increase flooding and erosion within Grapevine Creek, risking significant, adverse impacts to Fort Tejon State Historic Park. These impacts are not adequately assessed in the EIR, which should be revised to include a more thorough analysis of the project's impacts on stormwater discharges to Grapevine Creek. We recommend that the Lead Agency and the Project Proponent coordinate with State Parks to determine proper mitigation for this impact.

- The increases in runoff from the proposed project also has the potential to affect sensitive habitat and riparian areas within Grapevine Creek, which harbors a variety of valuable wildlife and plant species. We recommend that a monitoring program be established to detect and remedy adverse impacts to water quality in the receiving water and to all species found in those aquatic systems as a result from runoff or flooding. Every effort should be made to divert stormwater runoff away from this blue line stream.

Once again, we appreciate the opportunity to comment on the proposed project. As we have outlined in our comments, there are a number of potentially significant issues related to Fort Tejon State Historic Park. The State Historic Park is an irreplaceable and priceless asset to the people of the State, the County of Kern and surrounding communities. It is important that all land use decisions adjacent to Fort Tejon State Historic Park be compatible with the preservation of the tremendous resources found there. For further discussion, please feel free to contact me or Russ Dingman, Associate Environmental Planner, at (661) 726-1672.

Sincerely,

[Signature]

Kathy Weatherman  
District Superintendent

cc: Ruth Coleman, Director  
Michael Harris, Chief Deputy Director  
Tony Perez, Deputy Director – Park Operations  
Dan Ray, Chief Planning Division  
Rick Rayburn, Chief Natural Resources
Comment Letter 12. Department of Parks and Recreation (July 13, 2009)

Response 12 A.

Thank you for your comment. The Tehachapi District of the Department of Parks and Recreation (State Parks) submits comments in its role as a State and Trustee Agency, as defined by CEQA and the CEQA Guidelines. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR.

Response 12 B.

The comment compliments the Project applicant for entering the Tejon Ranch Conservation and Land Use Agreement (Ranchwide Agreement), and accurately describes the Ranchwide Agreement. Please refer to Appendix J-1 of the Draft EIR for a Summary of the Ranchwide Agreement. The comment suggests that State Parks cooperate with Tejon Ranch Company and the Tejon Ranch Conservancy to create a new state park within conserved lands. The commentor's willingness to collaborate is appreciated. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 12 C.

The comment describes protected public lands at Fort Tejon Sate Historic Park and public support for conservation efforts that have taken place there.

Response 12 D.

The comment accurately describes the proposed Project. For a detailed description of the Project site and planned uses, please refer to Chapter 3 of the Draft EIR, PROJECT DESCRIPTION. The commentor notes that it is concerned with the Project's potential impacts to Fort Tejon State Historic Park.

Response 12 E.

Commentor expresses concern about the Project’s impact on the landscape surrounding Fort Tejon State Historic Park. This potential impact was considered in the Draft EIR preparation process, at the time view analysis study sites were selected. Preliminary analysis revealed that there would be no urban landscape impact on the State Park, based upon extremely minimal views of the Project from this vantage point, the distance between the Park and the closest residential unit (0.75 miles), and the location of Interstate 5 (eight lanes of traffic) between the Park and the Project. Accordingly, this viewpoint was not analyzed further. However, in the interest of providing additional information in support of this conclusion, a new Figure 4.1-15 has been prepared and will be added to the EIR, "Viewshed Study – Visibility Analysis Between Fort Tejon Area and TMV Development Envelope." The following text will be added at the conclusion of the EIR's analysis of Impact 4.1-1, "Have a Substantial Adverse Effect on Scenic Vista." This text includes an acknowledgment that Fort Tejon State Historic Park is listed on the National Register of Historic Places, which the Draft EIR inadvertently did not mention. This does not constitute new information, change analysis or affect conclusions, and therefore it does not trigger re-circulation.

View From Fort Tejon State Historic Park
Fort Tejon State Historic Park, listed on the National Register of Historic Places, was considered at the time view analysis study sites were selected, however preliminary analysis revealed that there would be no urban landscape impact on the State Park, based upon extremely minimal views of the Project from this vantage point. This is shown by Figure 4.1-15, "Viewshed Study – Visibility Analysis Between Fort Tejon Area and TMV Development Envelope." While there is a possibility that three or four of the Project's residential units could be seen from the State Park as far in the distance, Design Guidelines will restrict development in these areas to ensure that buildings are sensibly sited, and that a rural character is maintained. Accordingly, it was not determined that the potential impact would be great enough to warrant further analysis.

The new text will be noted in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.
Figure 4.1-15 will be added to end of Section 4.1, AESTHETICS/LIGHT AND GLARE, following new Figures 4.1-13 and 4.1-14, and will also be added to Section 7.4, FIGURES.

In addition, four view simulations have been prepared to analyze the visibility of the Project from various hiking trails associated with Fort Tejon State Park (see Figures 1, 2, 3, and 4 set forth below). Each of these Figures shows the existing view from a different hiking trail observation point, the same view with an overlay of the Project development envelope and Project open space area, and a view simulation of how, if built, homes within the development envelope will appear from this hiking trail observation point. Each of these Figures also includes a map, showing the aerial distance between these various hiking trail observation points and the Project development envelope. The view simulations in Figures 1 through 4 further demonstrate that the Project will cause a less than significant aesthetic impact on the Fort Tejon State Historic Park and associated hiking trails. The only portion of the Project development envelope that is visible from any of these observation points allows for the potential development of custom homes only. The simulations show that these observation points are so distant from even the closest visible portion of the Project development envelope, that even if custom homes are built on these lots, they will hardly be visible to individuals using these trails (see Figures 1-4, "Fort Tejon State Park Viewshed Studies – Computer Generated Visibility Analysis From Given Fort Tejon Park Trail With TMV Development Envelope Indicated.") In addition, the Project Design Guidelines include restrictions to ensure that the homes are sensitively sited and that the area's rural character is maintained. This will further ensure that homes built, if any, within this small and distant portion of the Project development envelope, will be barely visible from Fort Tejon State Park and its associated hiking trails.
The Project will not "alter the natural terrain that provides the setting for the historic fort," introduce, "elements of an urban landscape," or "transform the mountainous viewshed east of the park." While commentor requests mitigation measures to minimize impacts, there exist no Project impacts of this type in need of mitigation.

**Response 12 F.**

Commentor requests that only native plant species of local provenance be used for screening and/or re-vegetation in areas visible from Fort Tejon State. As stated in Section 4.4, BIOLOGICAL RESOURCES, and as required by Mitigation Measure 4.4-16, landscape plans will include a plant palette composed of native or non-native, non-invasive species that do not require high irrigation rates. Landscape plants will not include invasive plant species, as identified in Appendix B, Design Guidelines, of the Tejon Mountain Village Specific and Community Plan and Special Planning District, or the most recent version of the Cal-IPC California Invasive Plant Inventory for the Project region (Cal-IPC 2008).

**Response 12 G.**

Commentor requests that the County provide it with a copy of all reports about archaeological or historic resources at the Project site, and that the County request that the repository entity cooperate with State Parks in making information and artifacts found at the Project site available for educational programs. Section 4.5, CULTURAL RESOURCES, of the Draft EIR, includes a complete description of the archeological and historic resources found within the Project site during surveys. The Project requires preservation of archaeological resources found during construction activities, as well as preservation of sites found during surveys. Mitigation Measure 4.5-1 requires that the Project proponent provide the Kern County Planning Department with a map indicating the location of each of the identified archaeological sites. This map will be kept confidential by the Kern County Planning Department, but non-confidential information (e.g., information that does not show specific locations of artifacts et al) will be shared with State Parks. Furthermore, Mitigation Measure 4.5-3 requires education of contractor employees involved with earth-moving and excavation activities in order to ensure proper preservation of any inadvertently discovered cultural resources and/or human remains, and protection measures to be followed to prevent destruction of any and all cultural resources discovered on site.

**Response 12 H.**

The commentor notes that the Project has the potential to affect stormwater runoff and flooding at Grapevine Creek, which flows through the state historic park and receives runoff from Castac Lake. Commentor notes that because the lake is already managed to maintain high surface water elevations, stormwater runs rapidly off it and into the creek, increasing flooding and bank erosion hazards where Grapevine Creek flows through the Fort Tejon State Park. The comment notes that the historic park has been identified by the Federal Emergency Management Agency (FEMA) as a flood risk zone.

The ongoing management of Castac Lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5-1, Castac Lake. The comment accurately notes that the Park has been identified by FEMA as a flood risk zone, which is reflected in the maps in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY, and in Appendix I-2. State Park facilities are located adjacent to Grapevine Creek downstream of the Project.

With respect to Castac Lake levels, the flood routing analyses conducted for the Project’s Draft EIR did not contemplate a “normal” hydrological lake level, but rather considered a “lake full” level, which again provided for a conservative approach by assuming dead storage up to elevation 3505 above mean sea
level (dead storage is defined as the lake volume below a free draining outlet). It should be noted that the Project’s Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY, indicates the water surface elevation in Castac Lake has been maintained at approximately elevation 3503 above mean sea level. However, as stated in a 2009 letter from Tejon Ranch Company (TRC) to Kern County, regarding Castac Lake management levels, TRC will be maintaining Castac Lake at elevation 3500 above mean sea level which provides for 1,076 acre-feet of flood storage below elevation 3503 or 1,853 acre-feet of storage below elevation 3505 (see Table 1-2. Castac Lake Stage vs. Storage Summary, below). Please refer to Appendix I-3 to the Final EIR for a copy of the letter.

The existing condition assumed for flood routing purposes was a “full” Castac Lake at elevation 3505 above mean sea level and therefore dead storage was not available for flood routing. Both the existing and developed conditions were analyzed assuming Castac Lake was at elevation 3505 above mean sea level in order to provide a representative comparison. Although not analyzed, different starting water surface elevations could have been assumed, including the Draft EIR maintained elevation of 3503 above mean sea level or even a dry/empty Castac Lake, but the comparisons between existing and developed conditions would yield similar results, i.e. the flow rates in the developed condition would be less considering the proposed culvert outlet configuration at Lake Drive as well as the available storage for both conditions. However as noted by the ESSD, the proposed Project will generate additional run-off and as such more frequent discharges would occur from Castac Lake. In order to account for additional run-off and consequently more frequent discharges, additional mitigation measures are proposed including the following:

i. the proposed low level culverts at Lake Drive will be raised to an elevation that provides additional dead storage equal to or more than the incremental increase in run-off volumes when comparing the existing and developed condition (the additional storage provided is approximately 410 acre-feet – see Table 1-1. Castac Lake In-Flow Hydrograph Volume Summary below).

ii. as stated above, TRC will be managing Castac Lake at elevation 3500 above mean sea level, providing an additional 1,076 acre-feet of storage below elevation 3503.

iii. also, as assumed previously, the decrease in run-off volumes attributable to proposed on-site treatment and hydromodification measures will not be accounted for and therefore provides for a conservative approach consistent with the previous flood routing analyses.

Specific measures regarding the increase in run-off volume and frequency of discharges will be addressed as follows:

i. The incremental increase in run-off volumes will be based upon the Castac Lake in-flow hydrograph volumes summarized below:

<table>
<thead>
<tr>
<th>Storm Event</th>
<th>Existing Condition (acre-feet)</th>
<th>Developed Condition (acre-feet)</th>
<th>Delta (acre-feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-YR</td>
<td>2715</td>
<td>3125</td>
<td>410</td>
</tr>
<tr>
<td>5-YR</td>
<td>4964</td>
<td>5366</td>
<td>402</td>
</tr>
<tr>
<td>10-YR</td>
<td>6580</td>
<td>6946</td>
<td>366</td>
</tr>
<tr>
<td>25-YR</td>
<td>8780</td>
<td>9075</td>
<td>295</td>
</tr>
</tbody>
</table>
The increase of 410 acre-feet for the 2-Year storm event will be used as the most conservative incremental increase (again this number does not account for proposed on-site treatment and hydromodification measures which when implemented the mean annual runoff volume for the Castac Lake watershed would be increased by only 71 acre-feet).

ii. The table below is a stage vs. storage relationship for Castac Lake. Assuming Castac Lake to be at elevation 3505 above mean sea level, the additional dead storage needed (410 acre-feet) would be attained at approximately elevation 3506 above mean sea level.

**Table 1-2. Castac Lake Stage vs. Storage Summary**

<table>
<thead>
<tr>
<th>Lake Contour Elevation</th>
<th>Volume (acre-feet)</th>
<th>Total Volume (acre-feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3484</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3486</td>
<td>317</td>
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<td>3494</td>
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<td>2121</td>
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<td>2673</td>
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<td>3498</td>
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</tr>
<tr>
<td>3515</td>
<td>514</td>
<td>10433</td>
</tr>
</tbody>
</table>

Considering the goal of increasing storage by 410 acre-feet, the outlet culvert inverts will be raised slightly above elevation 3506 to account for the additional 2 acre-feet.

iii. The proposed Lake Drive culvert modifications will be reconfigured by raising the seven 18” low level culverts to elevation 3506 above mean sea level (see Stantec Drainage Report Figure 5 for a depiction of the outlet culvert configuration). The previous proposal established an invert elevation of 3499.49
above mean sea level for the seven 18" low level culverts. This will provide the additional dead storage required to retain the increase in run-off volume associated with the developed condition and therefore mimics the existing condition frequency of discharges considering the impact of the Project.

iv. The revised conceptual culvert configuration will be finalized in conjunction with confirming flood routing results for the various return frequency storm events including the 2-Yr, 5-Yr, 10-Yr, 25-Yr and 100-Yr events. Consistent with the previous drainage study results, the final culvert configuration will also ensure peak flow rates are not increased downstream of the Project including at Lake Drive and the hydrologic confluence point at Grapevine Creek and Rising Canyon.

v. In addition to the measures mentioned above, flash boards placed immediately upstream of the low level culverts will be considered as a means to provide additional dead storage to elevation 3507 above mean sea level, resulting in an additional 423 acre-feet of storage. The flash boards will be assessed in the flood routing analyses for the various return frequency storm events in order to determine peak discharge results. However, it is assumed that the flash boards would not be installed initially but rather would provide for a reactionary program based upon down stream monitoring as it relates to the frequency of discharges.

vi. Also, a drain culvert(s) will be incorporated into the Castac Lake outlet configuration to be set at approximately elevation 3499.5 (this would match the existing condition low flow scenarios with the existing culvert invert elevation also at approximately 3499.5 above mean sea level). The drain culvert(s) would be gated and not accounted for in the flood routing analyses. However, the drain culvert(s) can be “opened” in reaction to monitoring of existing wetland areas downstream and determination that low flows would benefit the habitat.

Response 12 I.

Commentor notes that stormwater runoff from the Project's impervious and landscaped areas could affect runoff volumes and increase flooding and erosion within Grapevine Creek, risking significant, adverse impacts to Fort Tejon State Historic Park. Commentor is concerned that the impact of the proposed Project on runoff volumes and potential increases in flooding and erosion were not adequately assessed in the Draft EIR, which the comment states should be revised to include a more thorough analysis of the Project's impacts on stormwater discharges to Grapevine Creek.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Regarding flooding risks, including those to Grapevine Creek and Fort Tejon State Park, please refer to the Response to Comment 12-H, above.

Response 12 J.

The commentor recommends that the Lead Agency and the applicant coordinate with State Parks to determine proper mitigation of any impacts to flooding and erosion levels in Grapevine Creek.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The Project includes as a Project feature specific improvements as noted in the Response to
Comment 12-H that reduce the potential for downstream flooding over existing conditions. The improvements associated with the Lake Drive crossing of Grapevine Creek including road elevation, embankment and culvert sizing are detailed in the "Final Draft Tejon Mountain Village Drainage Report" attached to the Draft EIR as Appendix I-2.

Response 12 K.

Commentor is concerned that increases in runoff from the proposed Project have the potential to affect sensitive habitat and riparian areas within Grapevine Creek, and recommends establishing a monitoring program to detect and remedy adverse impacts to water quality in the receiving water and to all species found in those aquatic systems as a result of runoff or flooding. Commentor further states that every effort should be made to divert stormwater runoff away from Grapevine Creek. A monitoring program for pollutants of concern will be included in the more detailed plans required to raise Lake Drive, and will consist of a downstream monitoring location upstream (east) of I-5 for a 2 year period following the completion of the Lake Drive improvements. The Project stormwater management program is described in Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY. Stormwater management includes quality and quantity controls to protect water quality, including Grapevine Creek.

Please refer to Response 12-H, above.

Response 12 L.

Thank you for your comment. Commentor's willingness to help is greatly appreciated. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Local Agencies
Comment Letter 13a/b

COUNTY OF KERN
RESOURCE MANAGEMENT AGENCY
ROADS DEPARTMENT
Office Memorandum

To: Ted James, Director
Planning Department
Attn: Craig Murphy, Supervising Planner

From: Warren D. Maxwell, Transportation Development Engineer
Roads Department

Subject: 7-4.4 Tejon Mountain Village Traffic Impact Study

February 6, 2009

This Department has reviewed the subject project and has attached comments.

Thank you for the opportunity to comment on this project. If you have any questions or comment, please contact Warren Maxwell of this Department.
Comment Letter 13a/b, Cont.

Tejon Mountain Village Traffic Impact Study Comments

1. Page ES-5 – Refers to the Lebec Area Traffic Model (LATM). Provide a copy for our review, as we will need to verify the inputs, specifically loading of the traffic analysis zones. This should include an analysis of the interior roadways.  

2. Page ES-5 – Refers to the East Antelope Valley Traffic Analysis Model (EAVTAM). Provide a copy for our review, as we will need to verify the inputs, specifically loading of the traffic analysis zones.  

3. Why was EAVTAM used in the analysis and not EAVTAM2? In addition, shouldn’t this project have used the EAVTAM2 and the SCVCTM as part of its analysis, similar to how it was used for the Centennial Traffic Impact Study? Please clarify the exclusion of the additional resource.  

4. Page ES-5 – States unrealistic internal daily trip rates of 25% and 9% for local trips without documentation. These rates may be based upon Table 3-3, which provides internal capture rates that are unreasonable as well and cannot be supported without proper documentation (i.e. – studies from similar facilities).  

5. Page ES-7, Table ES-2 and Page 3-7, Table 3-4 will have to be revised as they reflect a trip distribution percentage of 50/50 north and south, respectively. We do not believe this accurately reflects the project, as a majority of the trips will be southbound. We have recommended a trip distribution percentage of 30/70 north and south, respectively, which is similar to what was approved for Frazier Park Estates located in the immediate vicinity and west of Interstate 5. In addition, we believe this to be a realistic approach and is in line with the documentation contained in the Centennial Traffic Impact Study (Austin-Forst Associates, Inc) which used a trip distribution percentage of 19/81 north and south, respectively, see attached. Considering that the Centennial project site is located several miles south of this site, the distribution should be slightly higher. Revise and analyze accordingly.  

6. Page ES-9, Figure ES-4, Lebec Interchange Area – Shows 4-lane collectors on either side of the over crossing, but the over crossing itself remains a 2-lane facility, why? The volumes shown on Figure 5-5 clearly demonstrate the need for a 4-lane over crossing. Provide a segment analysis and queue lengths from each intersection onto the over crossing. If there isn’t sufficient capacity to accommodate the volumes, the over crossing will have to be modified accordingly.  

7. Page ES-10 – States that there will be improvements to State Route 58 via a regional improvement program, yet to be established, which will provide capacity along Interstate 5 for use by this project. Project approval is based upon tangible mitigation that will be in place to accommodate the impacts at the time they are generated. Provide supporting documentation from Caltrans confirming the viability of this option.  

8. Page ES-10 – States that the project was analyzed as developing in two phases. However, the Administrative Draft of the EIR indicates three phases based upon a specified number of dwelling units. Please clarify.
9. Page ES-13 – States the following: “For the Lebec interchange, the east side improvements are the responsibility of the project and are considered a project feature. Those on the west side will be implemented under a fair share formula. How will the fees be collected and who will be responsible for collecting them? It appears that these improvements are necessary and directly related to this project, which is supported by the volumes shown on Figure 5-5. Please clarify and revise accordingly.

10. Page ES-14, Table ES-3 – Does not show any project specifics for Frazier Park Estates even though it is stated that information was taken from the traffic impact study and incorporated into this analysis (Page 1-9). Provide the added information.

11. Page ES-16 – States that this project will participate in intersection improvements for Frazier Mountain Park Road on a fair share basis, but it does not indicate how this project will participate in the widening of the segment under the interchange, which may require reconstructing the interchange. Provide analysis, discussion and mitigation accordingly.

12. Page 1-14 – Indicates that Intersection Capacity Utilization (ICU) methodology was used for the Level of Service (LOS). Provide HCM LOS on all intersections and roadway segments impacted by this project.

13. Page 2-2, Figure 2-1 – Incorrectly illustrates the roadway designations. Revise all Figures to reflect the Circulation Element designations as some are more than Collector roadways, they are Expressways.

14. Page 2-16 – Lists projects included in the forecasted growth that do not coincide with those shown in the Frazier Park Estates TIS, revise accordingly.

15. Page 3-5 – Provides discussion regarding trip distribution and internal capture rates, see Comment #5.

16. Page 5-10 - States the Frazier Park Estates (FPE) project was not included as a cumulative project, when it should have been. The list of cumulative and known projects should coincide with those analyzed in the Frazier Park Estates TIS, as they are being processed concurrently. Revise accordingly.

17. Page 7-6 – Revise the summary of mitigation measures per Comment #9.

18. Chapter 8 - Does not adequately analyze Frazier Mountain Park Road or identify the necessary mitigation needed by Year 2030, see Comment #11.

19. Page 8-9 - Does not adequately indicate the project proportionate fair shares for the identified mitigation measures. Provide a table that clearly defines the mitigation and associated proportionate fair shares per the Caltrans and Kern County formulas. The use of an ICU value will not be accepted.

20. Page A-1 of Appendix A states: For simplicity, signalization is assumed at each intersection. Precise ICU calculations of existing non-signalized intersections would require a more detailed analysis. By assuming each intersection is signalized an erroneous LOS has been determined. HCM LOS for the approaches must be used. Then appropriate mitigation can be determined.
Comment Letter 13a/b, Cont.
Comment Letter 13a/b, Cont.

COUNTY OF KERN
RESOURCE MANAGEMENT AGENCY
ROADS DEPARTMENT
Office Memorandum

To: Ted James, Director
    Planning Department
    Attn: Craig Murphy, Supervising Planner

From: Warren D. Maxwell, Transportation Development Engineer
       Roads Department

Subject: 7-4.4 Tejon Mountain Village Environmental Impact Report and Traffic Impact Study

This Department has reviewed the subject project and has the following comments:

Traffic Impact Study Comments:

1. Page ES-14, Table ES-3 – Comments are as follows:

   a. There is not specific detail as to what the improvements to the Lebec interchange will be, such as lane configurations, roundabouts, and reconstruction of the over-crossing, even though subsequent reports are available containing such information. Provide additional detail.

   b. Provide a more defined year for providing roadway improvements that is based upon the traffic analysis. The number of units will generate volumes that at some point will exceed the existing roadway capacity at which time additional mitigation should be provided. Revise accordingly.

   c. Mitigation shown at the intersection of Frazier Mountain Park Road and Lebec/Peach Valley Roads is to be a signal, per the Frazier Park/Lebec Specific Plan. However, the Frazier Park Estates project is calling for a roundabout, please correlate the differences.

   d. Provide reference to or the actual traffic share calculation.

2. Page ES-16 - States "A potential third stage would replace the existing two-lane over-crossing." The over-crossing should be included in the stage two project list as detailed in the I-5 Freeway/Lebec Interchange Preliminary Improvement Concept report, prepared by Austin-Foust Associates, Inc dated May 14, 2009. Potential intersection improvements east of Interstate 5 shows two westbound through lanes exiting the intersection and merging into one westbound lane over-crossing and then widening back to two lanes west of Interstate 5. This is in conflict with the report previously noted.
3. Page ES-16, Frazier Mountain Park Road – “The cumulative conditions deficiencies are mitigated by the implementation of the improvements given in the Frazier Park/Lebec Specific Plan.” Mitigation contained in the specific plan was to accommodate development per the plan, which is not the case, as it did not consider projects such as Tejon Mountain Village or Frazier Park Estates. Therefore, additional mitigation measures will be required as demonstrated in the analysis of Frazier Park Estates. Please clarify.

4. Page 1-3, Figure 1 - The Project Land Use Plan map shows what could potentially be developed in Areas 1-5, which when combined exceed the number of dwelling units, hotel rooms, commercial and golf courses analyzed in the traffic impact study. Why does this plan show a range of options when the project is supposed to reflect a specific plan? This could have a significant impact upon the level of service if development is allowed where the analysis did not account for the additional units. Clarify the intent as this is in conflict with the traffic impact study.

5. Page 2-1, Section 2.1 – States “If the project develops as anticipated with resort related characteristics, peak hour impacts on the local roadway network and freeway system would be significantly lower than the findings given in the reports.” This statement is not accurate. Typically, resorts, if they are successful, have a much greater impact on the peak hour than would a typical urban development. The main difference being that the impacts from a resort occur during the peak season of the resort and not on a daily, year-round basis. Please clarify.

6. Page 2-25, Figure 2-10 – States an impact threshold of 2%. What is the basis for this and has it been approved by Caltrans?

7. Page 3-6, Table 3-1 – States that intersections 1-12 operate at Level of Service (LOS) A, without providing supporting calculations. Please provide the additional analysis.

8. Page 4-1 – Again states the impact threshold of 2%, see Comment #6.

9. Page 4-6, Table 4-1 - Intersection 14, Interstate 5 southbound off ramp and Frazier Park Road shows a delay of 0.2. This is less than the delay shown in Table 3-1, which does not correlate with the additional impacts revise accordingly.

10. Page 4-7, Table 4-2 - Frazier Mountain Park Road northbound off ramp shows a volume of 100 during the AM and Table 3-2 shows 103 during the same period. Please correlate to the table information or provide an explanation for the difference.

11. Page 5-2, Figure 5-1 - 2030 No Project Volumes shown for Lebec Road are 1,300 less that those shown on Page 3-2, Figure 3-1 Existing Volumes, please explain.

12. Page 5-6 – Provides a list of mitigation measures in the Frazier Park/Lebec Specific Plan, see Comment #3.
Comment Letter 13a/b, Cont.

13. Page 6-3, Section 6.2.2 Stage 1b – States “Figure 6-3 illustrates the transportation improvements for the Lebec interchange area. They involve changes to the interchange and to the immediately adjacent on-site circulation system.” However, no specifics have been provided, which should be available due to the analysis, see Comment #1a.

14. Page 7-1, Section 7.2 – Provides reference to a list of mitigation measures in the Frazier Park/Lebec Specific Plan, see Comment #3.

15. Page 7-2, Section 7.3, I-5 Freeway – Assumes a diversion of 8500 daily trucks from I-5 due to a regional goods movement facility along State Route 58. Provide supporting documentation from Caltrans that substantiates the project and a time line for implementation, which should include cost estimates and fair share costs.

16. Page 7-3, Section 7.4, Summary of Mitigation Measures – States that the west side improvements of the Lebec interchange will be implemented under a fair share formula. These improvements appear to be warranted as a result of this project and should be constructed by this project as shown on Page ES-14, Table ES-3 and Page 7-9, Table 7-3. Also, see Comment 1a and revise accordingly.

17. Page 7-10, Section 7-5, Traffic Shares – This section does not provide a comprehensive list of traffic shares. For instance, the list should have included the regional goods movement facility along State Route 58, review and revise accordingly.

18. The Synchro files indicate a different intersection configuration for the intersection of Lake Drive and A Street than what was shown on the I-5/Lebec Interchange Preliminary improvement Concept report dated May 7, 2009, please clarify which configuration will be used. In addition, the Synchro files show a westbound left with an Approach LOS F, please explain.

19. The Sim Traffic module of Synchro indicates that there are issues with the roundabout and too many vehicles. Please explain.

Special Planning District Plan Comments:

20. Sheets 1 and 3: - References the term Residential Compound, which needs to be clarified. If the term is correctly understood, as one dwelling unit is equal to five total units (primary and guesthouses), this will have a significant impact upon the internal and external circulation. The study did not analyze the impacts based on a five to one ratio, which could possibly result in a fourfold increase in trip generation per parcel beyond that considered in the analysis. If this is the case, the traffic impact study will need to be revised in its entirety to adequately analyze the project impacts.

21. Sheet 1, Minimum street centerline radius – States that roundabout intersections are referenced to Sheet 4, however, that sheet does not appear to have any information regarding the roundabouts. Please revise.
Comment Letter 13a/b, Cont.

22. Sheets 10-14, Legend – Contains a reference to Public Roads (See Sheet 6) – Sheet 6 is entitled as "Road Sections: Private Roads", please clarify and provide public road sections.

Environmental Impact Report Comments:


24. Page 4.15-24, Transportation and Traffic – Under bullet item “Exceeds, either individually or cumulative, etc…” revise reference from (SOS) to (LOS).

Thank you for the opportunity to comment on this project. If you have any questions or comment, please contact Brian Blacklock of this Department.
Comment Letter 13a/b. County of Kern Resource Management Agency, Roads Department (February 6, 2009 and June 18, 2009)

Please note that this February 6, 2009 memorandum (Comment Letter 13a) was based on the administrative Draft EIR and draft Traffic Impact Study (TIS) included as Appendix M1 of the administrative Draft EIR. These comments were in most cases integrated into the final version of the Draft EIR and Appendix M1, as released for public review and comment. Accordingly, where appropriate the Responses to Comments for this February 6, 2009 memorandum indicate that the comment was addressed in the Draft EIR and/or in the TIS included as Appendix M1 to the Draft EIR. Commentor had further comments on the Draft EIR and TIS/Appendix M1 released for public review in May 2009, and these further comments are set forth in a subsequent memorandum dated June 18, 2009 (Comment Letter 13b). All comments from this Commentor are lettered sequentially, starting with this initial memorandum dated February 6, 2009 and continuing with the subsequent memorandum dated June 18, 2009.

Response 13a/b A.

Thank you for your comment. The comment from the County of Kern Resource Management Agency, Roads Department (Department), states that the Department has reviewed the Project and has a number of comments. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 13a/b B.

The comment includes contact information for Department staff should any questions arise regarding the above comments. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 13a/b C.

Commentor request a copy of the Lebec Area Traffic Model (LATM) for verification of inputs including traffic analysis zones, and also requests an analysis of the interior Project roadways. Copies of the LATM network and trip tables were timely provided to the commentor. Interior roadways were depicted in the Specific Plan included as Appendix B-1 to the Draft EIR, and included design and performance standards addressing safety and traffic circulation issues. In response to a subsequent request for further details regarding internal Project roadways, a revised TIS was prepared (Revised TIS) for inclusion in the EIR as revised Appendix M1. For example, Figure ES-4 was included in the Revised TIS showing the interior roadways that connect to Lake Drive, such as Crane Canyon Road. Similarly, Chapter 3 was expanded to depict all interior Project roadways that intersect with existing County roads and I-5, and Table 5-1 includes an analysis of interior Project intersections.

Response 13a/b D.

Commentor request a copy of the East Antelope Valley Traffic Analysis Model (EAVTAM) for review, including of the loading of the traffic analysis zones. A copy of the Traffic Model Description and Validation report referenced in Chapter 1.0 of the Tejon Mountain Village traffic report was timely forwarded to the commenter. The model uses an EMME2 software platform, so a hard copy of the network was prepared and forwarded at the same time as the documentation describing EAVTAM.
Response 13a/b E.

Commentor questioned regarding why EAVTAM was used instead of EAVTAM2. Commentor further inquired if the traffic analysis should have used EAVTAM2 and SCVCTM as part of its analysis, similar to what was done the Centennial Traffic Impact Study (Centennial TIS). The version of the EAVTAM used in the Project TIS analysis was 2.0, which is referred to as EAVTAM2 in the model documentation reference (see reference to EAVTAM2 at the end of Chapter 1.0 in the TIS). EAVTAM2 was simply referred to as EAVTAM throughout the TIS. The Centennial TIS is not available for public review at this time; the Centennial Project is located in Los Angeles County and while a Draft EIR is being prepared for this project, neither the Draft EIR nor the traffic study have been released for public review by Los Angeles County as of the date of this Response to Comments. It is understood that the Centennial would have utilized the Santa Clarita Valley Consolidated Traffic Model (SCVCTM) for evaluation of the Santa Clarita Valley local arterial system given both the nature of the Centennial project as a "new town" and the proximity of that project to Santa Clarita. When using a traffic forecasting model to produce future traffic projections with and without a proposed land use development project, separate “runs” of the traffic model are typically performed with and without the project. These separate runs assume that no changes occur to the surrounding land uses or to traffic generation within or beyond the study area, other than on the project site. Hence, while there is a net increase in trip generation locally due to the project, many trips within the study area are redirected to the project site and therefore are not necessarily “new” trips as far as the study area circulation system is concerned. In other words, the project traffic is not merely added to no-project traffic conditions by the model, but instead the project trips interact with surrounding land uses in a manner that changes the distribution patterns of non-project trips. Since local arterial intersections in the Santa Clarita Valley are within an area that does not increase in traffic generation due to the project, the SCVCTM was not relevant or appropriate for use in the Project TIS. As shown in Table 4-3 and Table 5-6 of the Revised TIS, Project and cumulative impacts have been identified for the Newhall Pass portion of the I-5 freeway within the Santa Clarita Valley.

Response 13a/b F.

Commentor states that internal trip rates of 25% and 9% for local trips are unrealistic without proper documentation. The internal capture trip rates were revised based on further interaction with the Commentor so that only 19% of total trips were assumed to be internal to the Project (e.g., trips to the commercial center for groceries and other goods and services), and these rates were included in the Draft EIR. (See Draft EIR p. 4.15-17.)

Response 13a/b G.

Commentor states that the north-south trip of 50/50 is unrealistic based on Commentor's opinion that the majority of trips will be southbound. Commentor notes that a 30/70 north-south split was recommended and used to evaluate traffic impacts for the nearby Frazier Park Estates project. Commentor also cited to a draft of a Centennial study that showed the majority of trips heading south. The north-south trip rate was revised based on further interaction with the Commentor so that the majority of trips were southbound, and this traffic split was included in Table 4.15-7 of the Draft EIR.

Response 13a/b H.

Commentor states that Figure ES-4, for the Lebec Interchange, shows a 4 lane collector on either side of the Lebec Road overcrossing, and notes that the overcrossing is only a 2-lane facility. Commentor states that there is a need for a 4-lane overcrossing, and also requests a segment analysis and queue lengths from each intersection to the overcrossing. The need for a 4-lane overcrossing has been acknowledged in the
Revised TIS, and expanded proposed traffic improvements that include construction of this expanded overcrossing has been included in Section 7.2.

Response 13a/b I.

Commentor states that the Project relies on improvements to State Route 58 (SR 58) to provide capacity for the project along Interstate 5, and questions the viability and mitigation value of this concept. As noted in Response to Comment 8a-H, references to SR 58 as a mitigation measure have been deleted from the Draft EIR and TIS. The conclusion reached in the Draft EIR is that transportation and circulation cumulative impacts are significant and unavoidable. The Project does not assume that the Highway 58 project referenced in the illustration would result in a finding of less than significant impact. Based on direction by the commenter and Cal Trans, the analysis in the TIS and the reference to Highway 58 improvements has been removed.

Response 13a/b J.

Commentor comment seeks clarification on TIS reference to two Project phases, and the Draft EIR references to three Project phases. The original TIS refers to “stages” rather than phases, and the stages in the traffic study depict milestones for needed traffic improvements and are measured by the amount of development. In Response to Comment 8c-B above, increased monitoring of traffic will be required to evaluate when thresholds for requiring further traffic mitigation measures have been met, and this monitoring effectively eliminates the need to quantify any particular unit count as a separate "stage" for TIS purposes, as reflected in EIR text changes included in Section 7.2. Traffic mitigation will be implemented to meet applicable LOS C and LOS D thresholds, as provided in Section 7.2.

Response 13a/b K.

Commentor seeks clarification regarding references to fair share funding for improvements on the west side of the Lebec Road interchange. The Revised TIS and Section 7.2 include full Project funding for proposed improvements to the Lebec Road interchange. As background information in response to this comment, "fair share" generally relates to the proportionate share of financial responsibility to be paid by the Project in relation to other sources in traffic, including existing baseline conditions, other proposed projects, and future anticipated growth (beyond the growth attributable to the Project). A traffic analysis is generally completed to identify the relative share of each source of traffic to an intersection under anticipated conditions, and the Project would be required to pay for that increment of cost that corresponds to the Project's traffic increment. If a fair share is documented and agreed upon by the approval agencies, then appropriate mechanisms for collecting the shares of other parties will be identified. The fair share calculation and funding requirements are set forth in revised Mitigation Measures included in Section 7.2.

Response 13a/b L.

Commentor states that further information regarding the nearby Frazier Park Estates project (FPE) is required. The Draft EIR and TIS included further information about FPE, and in response to further direction from Commentor the Revised TIS and revised EIR text included in Section 7.2 include further information (including but not limited to traffic volume data that is consistent with the FPE traffic study), and additional analysis about Project mitigation obligations under the with- and without-FPE scenarios. (See, e.g., Revised TIS Section 1.3, Table 2.3, Section 7.2, etc.)
Response 13a/b M.

Commentor seeks clarification regarding the Project's fair share participation for various Frazier Mountain Park Road intersection improvements, and also requests information about how the Project will participate in the widening of the Frazier Mountain Park interchange (including an analysis and mitigation approach to interchange improvements). The Project's contribution to proposed Frazier Mountain Park Road and interchange improvements are described in Table 7.1 of the Revised TIS and in corresponding EIR revisions in Section 7.2. The Project's fair share contribution toward proposed Frazier Mountain Park roadway improvements are identified in Section 7.5 of the Revised TIS. If new projects are approved in the Frazier Park/Lebec Specific Plan area in 2009 or beyond, these projects will be required to pay their fair share toward improvements to traffic improvements as described in Section 7.2. If no such projects are approved, then the Project proposes to fully fund the proposed Frazier Mountain Park intersection improvements to maintain a LOS C.

Response 13a/b N.

Commentor states that the Highway Capacity Manual (HCM) LOS should be provided on all intersections and roadway segments. All intersections in the Revised TIS area are analyzed using the HCM methodology, or the HCM methodology as embodied in the SIDRA software for the roundabout analyses included in Appendix D of the Revised TIS.

Response 13a/b O.

Commentor states that Figure 2-1 incorrectly illustrates roadway designations, which should be accurately labeled as Collectors and/or Expressways. The requested revisions have been made to the roadway designations, as appropriate, in the Revised TIS, including for example Figure 5-7.

Response 13a/b P.

Commentor states that the list of projects included in the forecasted growth do not coincide with the traffic study prepared for FPE. A detailed list of growth that is assumed in the analysis for the Lebec area is provided in TIS Appendix C. This discussion has been supplemented with a list of proposed projects in this area, and is provided in Table 2.3. Additionally, the Frazier Park Estates TIS also used a growth rate of 4% for Los Angeles County instead of the appropriate rate of 1.5%, thus over-stating projected growth in the area. The Project TIS appropriately used 1.5% as the growth rate, as further explained in Response to Comment 8a-T, above.

Response 13a/b Q.

Commentor references a page number in the TIS that includes a discussion of trip distribution and internal capture rates, and refers to earlier comments (Comment 13-G and 13-H). Please see Response to Comment 13-G and 13-H, which address these topics.

Response 13a/b R.

Commentor states that page 5-10 of the draft TIS does not identify Frazier Park Estates as a cumulative project when it should have been. Page 5-10 of the TIS includes Table 5-1, which does not include cumulative projects. The TIS and Draft EIR analysis of future cumulative conditions has always assumed the completion of the Frazier Park Estates project. This text clarification has been added to the revised TIS on page 2-7. Section 3.7 of the Draft EIR also describes the cumulative analysis methodology generally, and includes a list of cumulative projects that includes FPE.
Response 13a/b S.

Commentor states that the summary of mitigation measures should be revised per Comment 13-K regarding the Lebec interchange. Please refer to Response to Comment 13-K, which addresses this topic.

Response 13a/b T.

Commentor states that the TIS does not adequately analyze Frazier Mountain Park Road or identify mitigation needed in the year 2030. Please refer to Response to Comment 13-M, which addresses this topic.

Response 13a/b U.

Commentor states that page 8-9 of the TIS does not adequately indicate the project proportionate fair shares, requests a Table showing fair share calculations, and notes that an ICU value will not be accepted. A Table has been added to Chapter 7.0 of the Revised TIS that lists Project fair shares for proposed traffic improvements. The Commentor and Kern County formula that is based on the total traffic volume entering the intersection has been used for calculating shares, as further described in Response to Comment 13-K.

Response 13a/b V.

Commentor states that Appendix A of the TIS, which notes that signalization is assumed at each intersection and a more detailed evaluation of unsignalized intersections has not been done, has resulted in an erroneous LOS level. Commentor states that HCM (Highway Capacity Manual) methodology should be used for intersection analysis. While the TIS included both ICU and HCM calculations, the intersection analysis has been revised to use the HCM methodology exclusively for signalized and unsignalized intersections as appropriate, as indicated in the Revised TIS in Table 5-1. As noted, several LOS levels, including at Intersections Lebec Road/Meadow Road, Lake Drive/Crane Canyon Road, and Lake Drive/NB Off/On Ramps, did change as a result of this further analysis; however, when the required mitigation measures were considered, the changed LOS levels were reduced or maintained to the extent required to comply with applicable LOS thresholds. Accordingly, this analysis did not result in the identification of any new significant impact, nor did it require any mitigation measures beyond those identified in Table 7.1 of the Revised TIS, as described in Section 7.2. Where signalization is proposed (as in the proposed improvements for FMP Road), a signal warrant analysis has been carried out. For the roundabouts, SIDRA software has been used, since this is based on HCM methodology and is the software preferred by Commentor, and this analysis is included in Table 5-1 and Appendix D of the Revised TIS.

Response 13a/b W.

Commentor included a copy of Figure 3-3 from the administrative draft TIS, showing Project trip distribution at buildout. A corrected version of this Figure was included in the Draft EIR in Table 4.15-7, PROJECT TRIP DISTRIBUTION AT BUILD-OUT WITH FULL-TIME RESIDENTIAL OCCUPANCY.

Please note that this second memorandum (Comment Letter 13b), dated June 18, 2009, was based on the Draft EIR and Traffic Impact Study included as Appendix M1 to the Draft EIR. Commentor previously commented on the administrative Draft EIR and TIS/Appendix M1 in the preceding memorandum dated February 6, 2009 (Comment Letter 13a). All comments from this Commentor are lettered sequentially.
starting with the initial memorandum dated February 6, 2009 and continuing with this subsequent memorandum dated June 18, 2009.

Response 13a/b X.

Commentor requests further details regarding the mitigation improvements to the Lebec interchange. Additional detailed descriptions of the proposed Lebec interchange improvements have been added to the Revised TIS, are referenced in the summary Table ES-3, and also are described in Section 7.0. Corresponding changes regarding proposed traffic improvements have also been made to the EIR text in Section 7.2.

Response 13a/b Y.

Commentor requests a more defined year for implementing roadway improvements that is based upon the traffic analysis, and notes that the number of units will generate volumes that at some point will exceed the existing roadway capacity at which time additional mitigation should be provided. The need for improvements is based on traffic volumes generated by project development. Due to variability in project conditions, such as market demand, the amount of development at a given year can not be specifically determined. Therefore, a monitoring program is proposed which would identify when mitigation milestones will be reached, and initiate mitigation obligations to complete required roadway improvements, such as the proposed improvements and other actions identified in the Revised TIS (see discussion in Response to Comment 8c-B, and Revised TIS Sections 7.0 and 8.2, corresponding sections of the Executive Summary for the Revised TIS, and corresponding EIR text revisions in Section 7.2).

Response 13a/b Z.

The comment notes that the mitigation shown at the intersection of Frazier Mountain Park Road and Lebec/Peace Valley Roads is to be a signal, per the Frazier Park/Lebec Specific Plan, and notes that the nearby proposed Frazier Park Estates (FPE) project is calling for a roundabout. Commenter requests a correlation of the different mitigation approaches. The traffic study for the FPE project evaluates multiple scenarios for future conditions, one of which includes improvements to the Frazier Mountain Park Road/Lebec/Peace Valley Road intersection that are consistent with the Frazier Park/Lebec Specific Plan, another that includes conversion of the intersection to a roundabout, and a third that reconstructs the Frazier Mountain Park Road interchange to a modified L-11 configuration (i.e., replace the existing northbound on-ramp with a loop ramp). The FPE Traffic Study states that the specific method of mitigating future traffic (i.e., traffic signal or roundabout) will be determined at a future time. The Revised TIS continues to include the traffic signal improvement per the Frazier Park/Lebec Specific Plan, but also includes an evaluation of the roundabout alternative for informational purposes (see Revised TIS Appendix D). The improvements included in the Frazier Park/Lebec Specific Plan have been subject to environmental review as part of that Specific Plan review and approval process.

Both the FPE Traffic Study and the Tejon Mountain Village (TMV) Traffic Study have estimated conditions of LOS C or better for the Frazier Mountain Park Road/Lebec/Peace Valley Road intersection when controlled by a traffic signal. At the Frazier Mountain Park Road/I-5 Northbound Ramps intersection, the FPE Traffic Study indicates LOS D conditions when controlled by a traffic signal, which would exceed the LOS C criteria specified in the Lebec Specific Plan. However, the FPE Traffic Study has evaluated that intersection based on the proportion of trucks within the traffic stream in 2030 as the same percentage as for existing conditions (as much as 36 percent during the P.M. peak hour). This is effectively the same as assuming the FPE project and other cumulative development is 36 percent truck traffic, when in reality the additional traffic from FPE is nearly 100 percent passenger cars. In 2030, the
total volume of trucks is estimated to increase consistent with the actual growth rate, but the quantity of trucks as a percent of total traffic will decrease to approximately 22 percent due to the greater proportion of passenger car traffic generated by FPE and the other cumulative development. This and other issues with the FPE traffic study are evaluated in Section 5.5 of the Revised TIS.

Response 13a/b A2.

The comment states that there should be a reference to the actual traffic share calculation. Traffic share calculations are provided in Section 7.5 (Page 7-10) of the Revised TIS.

Response 13a/b B2.

This comment states that the replacement of the Lebec Road overcrossing of Interstate 5 should be included as a mitigation requirement for the Project. As described in Response to Comment 13-H, the replacement of this overcrossing has been added as a proposed project roadway improvement in Section 4.15.4 and is among the improvements that could be required as for the Project.

Response 13a/b C2, D2.

Commenter states that the Frazier Mountain Park Road improvements identified in the Frazier Park/Lebec Specific Plan may not be adequate since that Plan did not include the Frazier Park Estates or Tejon Mountain Village projects. The TIS and Revised TIS include detailed evaluations of Frazier Mountain Park Road under the Project and cumulative (with and without FPE) scenarios. This evaluation has confirmed the adequacy of the traffic improvements identified in the Frazier Park/Lebec Specific Plan under these scenarios. The Revised TIS has shown that additional mitigation measures are needed for the Lebec interchange area, but that the Specific Plan improvements for the Frazier Mountain Park Road interchange are sufficient with both the TMV and FPE projects. Table 5-2 (page 5-14) of the Revised TIS indicates that the Frazier Mountain Park/Lebec Road/Peace Valley intersection operates at LOS C or better with the TMV and FPE projects based on the Frazier Park/Lebec Specific Plan improvements.

Response 13a/b E2, F2.

This comment states that the Project Land Use Plan map shows potential development in Planning Areas 1-5, which when combined exceed the number of dwelling units, hotel rooms, and other uses identified in the Specific Plan. The comment notes that LOS could be adversely affected if the Project includes greater densities in areas which were not accounted for in the TIS, and states that this approach is in conflict with the TIS. Based on concerns raised by the Commentor and Caltrans, the flexibility mechanism identified in the draft Specific Plan has been modified to reflect a unit count per planning area that totals 3,450 dwelling units. Figure 1-2 of the Revised TIS, and Section 7.2, includes residential and other development densities for each of the five Project Specific Plan Areas. Any density transfer between planning areas will be subject to a traffic study approved by the County.

Response 13a/b G2.

This comment accurately quotes a text excerpt from the TIS, and notes that resort projects have greater impact on peak hour traffic than would typical urban development due to peak season utilization rather than daily, year-round utilization. Further clarification is requested on resort traffic patterns. The term “resort” on Page 2-1, Section 2.1 of the TIS is referring to the proposed project residential units which are anticipated to be second homes/vacation homes, as opposed to primary residences. As such, many of the residential units would not be occupied full-time, and the overall trip generation for the Project would be less than indicated by the trip generation rates that assume full-time occupancy. The Project TIS assumed
full time occupancy as a worst case scenario. Daily trips including peak hour trips assuming full time occupancy would result in a higher number of overall and peak hour trips then a successful resort. Additionally, this mountain resort would not generate resort-specific peak hour trips as would be the case with a ski resort with traffic flows timed to the opening and closing of ski lifts. Additionally, this mountain resort is planned as a year-round destination based on a combination of natural amenities that remains constant for some activities (e.g., wildlife observation and trail utilization) and are seasonal for others (e.g., spring wildflowers and fall hunting). Nonetheless, the text quoted in the comment has been removed from the Traffic Study.

Response 13a/b H2.

Commentor requests the rationale for the use of a traffic impact threshold of 2%, and more specifically questions whether this has been approved by Caltrans. The Kern County CMP does not specify an impact threshold. A 2% threshold is consistent with Los Angeles County Metropolitan Transportation Authority’s Congestion Management Plan Land Use Analysis Guidelines and was determined to be appropriate in this study area for freeways and ramps based on a cooperative dialogue between Commentor, as well as Caltrans Districts 6 and 7.

Response 13a/b I2.

This comment requests supporting calculations for intersections 1-12 Level of Service designations. The supporting calculations indicate that intersections 1-12 operate at LOS A, and have been added to page 3-6 of the Revised TIS.

Response 13a/b J2.

Commentor identifies a TIS page where the 2% threshold is referenced, and refers back to Comment 13-H2. Please see Response to Comment 13-H2 which addresses this topic.

Response 13a/b K2.

Commentor identifies an inconsistency between Table 4-1 and Table 3-1 of the TIS regarding delay at the southbound off ramp and Frazier Mountain Park Road intersection. An inconsistency with the lane configurations utilized for the analysis of these scenarios resulted in the future delay (0.2) being lower than the existing delay (0.3) for the southbound on-ramp at Frazier Mountain Park Road. Revised LOS calculations addressing the inconsistency have been included in the Revised TIS on page 4-6.

Response 13a/b L2.

Commentor notes an inconsistency between Table 4-2 and Table 3-2 regarding Frazier Mountain Park Road northbound off ramp AM traffic volumes. The volumes shown on page 4-7, Table 4-2, of the Revised TIS have been rounded to the nearest 10, which explains the difference with Table 3-2. Please refer to Revised TIS on page(s) 3-7 and 4-7.

Response 13a/b M2.

Commentor notes that an inconsistency between Figure 5-1 and Figure 3-1 no project traffic volumes for Lebec Road Fires 5-1 (page 5-2) and 6-1 (page 6-4) resulted in an ADT volume on Lebec Road, south of the interchange, to be shown as lower than existing ADT volumes. Revised exhibits have been included with the Revised TIS on pages 5-2 and 6-4.
Response 13a/b N2.

Commentor refers back to previous concerns regarding Frazier Mountain Park Road intersection mitigation measures identified in the Frazier Park/Lebec Specific Plan as potentially not being able to accommodate trips generated by the Project, as noted in Comment 13-C2. Please see Response to Comment 13-C2 which addresses this topic.

Response 13a/b O2.

Commentor requests more specific information regarding proposed improvements to the Lebec interchange area. Please see Response to Comment 13-H, which addresses this topic.

Response 13a/b P2.

Commentor references a list of mitigation measures in the Frazier Park/Lebec Specific Plan and questions their adequacy to accommodate traffic generated by the Project, referring back to Comment 13-C2. Please see Response to Comment 13-C2, which addresses this topic.

Response 13a/b Q2.

Commentor seeks clarification regarding references to a potential State Route 58 improvement project, including documentation from Caltrans and a schedule for implementation, costs, and fair share calculations. References to SR 58 have been deleted from the EIR and Revised TIS. Please refer to Response to Comment 8a-H for further information on this topic.

Response 13a/b R2.

Commentor seeks clarification regarding fair share formula for west side improvements of the Lebec interchange, and states that these improvements should be funded by the Project. Please see Response to Comment 13-H which addresses this topic.

Response 13a/b S2.

Commentor seeks a comprehensive list of fair share obligations for all traffic mitigation measures. This information has been added to the Revised TIS in Chapter 7 and in corresponding text in Section 7.2. Please also refer to Response to Comment 13-K for a discussion of fair share calculations more generally.

Response 13a/b T2.

Commenter seeks clarification of which intersection configuration for Lake Drive and A Street will be used, the configuration utilized in the Synchro analysis or the configuration used in the I-5/Lebec Interchange Preliminary Improvement Concept report dated May 7, 2009. The Lake Drive "A" Street roundabout (Commercial Center access) as shown in the Tejon Mountain Village I-5 Freeway/Lebec Interchange Preliminary Improvement Concepts report dated May 14, 2009 is the proposed configuration for this Project intersection. The LOS F shown in the Synchro file is based on stop control and is, therefore, not applicable to the TIS since the intersection is proposed as a roundabout configuration. As shown in the Project Traffic Study, the proposed Lake Drive "A" Street roundabout configuration is forecast to operate at LOS A (see Table 5-1, "WITH-PROJECT (ROUNDABOUT SCENARIO)" on page 5-10 of the Revised TIS).
Response 13a/b U2.

This comment states that the SimTraffic module of Synchro indicates there are capacity issues with the roundabouts. SimTraffic provides an approximation of roundabout performance but does not provide the detailed operational analysis needed for roundabout design. Analysis of the proposed roundabouts has been prepared using SIDRA Intersection, as shown Appendix D of the Revised TIS. SIDRA Intersection is software accepted by Commentor for roundabout analysis and design. Each roundabout is forecast to operate at LOS B or better (see Table 5-1, page 5-10).

Response 13a/b V2.

Commenter requests clarification regarding the term "residential compound" in relation to trip generation and the traffic analysis, particularly in relation to the potential for guesthouses and a main house as one dwelling unit. The term "residential compound" has been deleted as a product type and is no longer proposed in the Specific Plan or included in the Project.

Response 13a/b W2.

Commenter requests clarification regarding minimum street centerline radius as illustrated on Sheet 1 and Sheet 4 of the Special Plan. The reference to minimum street centerline radius on Sheet 1 and Sheet 4 will be deleted.

Response 13a/b X2.

Commenter requests clarification regarding references to Public Roads on Sheet 6 of the Special Plan. The reference to Public Roads on Sheets 6 and 10-14 has been deleted. Public roads are not depicted in the Special Plan per County direction.

Response 13a/b Y2.

Commenter seeks clarification regarding secondary residential units and residential compounds. As noted in Response to Comment 13-V2, the term "residential compound" has been deleted as a product type and is no longer included in the Specific Plan or proposed as part of the Project. Secondary units are subject to applicable State law requirements, which generally allow for the development of a second unit in single-family homes. (See, e.g., AB 1866, codified at Cal. Gov't Code § 65915 et seq.) The traffic monitoring program required for the Project will include Project traffic from primary residential units, as well as any secondary units that would be allowed under applicable State law and County ordinances.

Response 13a/b Z2.

Commentor's requested correction of a typo ("SOS" was written instead of "LOS") is accepted and the Revised TIS includes this change.
Comment Letter 14

July 8, 2009
Craig M. Murphy
County of Kern - Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Regarding: Draft Environmental Impact Report for Tejon Mountain Village

Dear Mr. Murphy:

The Arvin Union School District ("School District") and its financial and demographic consultant, Dolinka Group, LLC, have reviewed the Draft Environmental Impact Report ("Draft EIR") for the proposed Tejon Mountain Village development ("Proposed Development") as prepared by the County of Kern ("County"). Unless properly mitigated, the Proposed Development will have a significant adverse impact on existing school facilities, School District's ability to adequately house K-8 children, as well as impacts on the surrounding communities.

On an annual basis, the School District calculates student generation rates ("SGRs") in its School Facilities Needs Analysis ("SFNA"). The School District has prepared a SFNA for school year 2008/2009 ("2008 SFNA"), which has been made available for public review. On July 21, 2009, the SFNA will be presented to Board for a public hearing and adoption. The SGRs calculated in the 2009 SFNA are based on units built in the last five (5) years within the School District. It has been determined that use of the School District's SGRs are more regionally relevant in determining the impacts caused by the Proposed Development compared to the SGRs used in the Draft EIR. Table 1 shows the SGRs that are calculated in the 2009 SFNA.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Generation Rates</strong></td>
</tr>
<tr>
<td><strong>School Level</strong></td>
</tr>
<tr>
<td>Elementary (K-6)</td>
</tr>
<tr>
<td>Middle School (7-8)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

Based on the Draft EIR, it is the understanding of the School District that the Proposed Project consists of approximately 3,450 single family residential units ("Proposed Units"). Utilizing the three (3) scenarios in the Draft EIR, Dolinka...
Comment Letter 14, Cont.

Group identified the number of units that would be constructed within the School District’s boundaries for each case. By applying the 2009 SFNA SGRs to the Proposed Units in each scenario, the School District finds that a larger number of K-8 students will be generated by the Proposed Development than was presented in the Draft EIR. (It is important to note that the Draft EIR applied the SGRs from Panama-Buena Vista Union School District and were applied to the unit counts in all three (3) scenarios. Despite all three (3) scenarios totaling 3,450 units, the results of this calculation yielded an unexplained variance in the projected number of students to be generated in each scenario). Based on Dolinka Group calculations, Table 2 shows the number of projected students to be generated by school level from the Proposed Units for each scenario.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary (K-6)</td>
<td>1,766</td>
<td>0</td>
<td>2,555</td>
</tr>
<tr>
<td>Middle School (7-8)</td>
<td>353</td>
<td>0</td>
<td>510</td>
</tr>
<tr>
<td>Total</td>
<td>2,119</td>
<td>0</td>
<td>3,065</td>
</tr>
</tbody>
</table>

[1] Based on 2,385 residential units constructed within the boundaries of Arvin School District, see page 4.13-21 of the Draft EIR.
[2] Based on zero (0) residential units constructed within the boundaries of Arvin School District, see page 4.13-22 of the Draft EIR.
[3] Based on 3,450 residential units constructed within the boundaries of Arvin School District, see page 4.13-23 of the Draft EIR.

By using the 2009 SFNA SGRs, the School District projects a greater number of K-8 students to be generated by the Projected Development than what was shown in the Draft EIR. By comparison, the Draft EIR projects the Projected Development will generate 1,717 K-8 students in Scenario 1, zero (0) K-8 students in Scenario 2, and 2,483 K-8 students in Scenario 3 for Arvin Union School District.

The Board of Education ("Board") has adopted a policy identifying the educationally-optimum facility capacities for future schools. As shown in the 2009 SFNA and previous SFNAs, the School District has determined that elementary schools will be designed to house approximately 600 students and middle schools to house approximately 800 students. Based on data from the California Basic Educational Data System ("CBEDS"), enrollment at existing facilities currently exceed or are nearing the capacity levels set by School District policy. Table 3 shows the CBEDS student enrollment for school year 2008/2009.

<table>
<thead>
<tr>
<th>Facility Name</th>
<th>CBEDS Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear Mountain Elementary School</td>
<td>884</td>
</tr>
<tr>
<td>El Camino Real Elementary School</td>
<td>854</td>
</tr>
<tr>
<td>Sierra Vista Elementary School</td>
<td>908</td>
</tr>
<tr>
<td>Haven Drive Middle School</td>
<td>716</td>
</tr>
<tr>
<td>Total</td>
<td>3,362</td>
</tr>
</tbody>
</table>
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As shown in Table 3, existing elementary facilities of the School District are currently operating well-above capacity levels consistent with policy of the School District. Additionally, the existing elementary facilities are operating within the site acreage recommendation set by the California Department of Education ("CDE"). While there is currently excess capacity available at Haven Drive Middle School, these excess seats will be used to house K-6 students as they matriculate into the middle school level and future students from units to be constructed within the City of Arvin ("City"). Additionally, it is the preference of the School District to limit expansion of existing sites that would remain on a permanent basis. Accordingly, the current facilities of the School District would be unable to accommodate any additional students generated from the Proposed Units. Thus, construction of new school facilities will be necessary to house the students to be generated from the Proposed Units.

By comparing the educational facility capacities adopted by the Board and the projected students to be generated by the construction of the Proposed Units, the School District has identified the number of facilities that are needed to adequately house the additional K-8 students at the School District:

- Scenario 1: The Projected Development would require the construction of three (3) elementary schools and at least one (1) middle school.

- Scenario 2: The Projected Development would require the construction of zero (0) elementary schools and zero (0) middle schools.

- Scenario 3: The Projected Development would require the construction of at least four (4) elementary schools and at least one (1) middle school.

Based on construction, site acquisition, and site development costs identified in the 2009 SFNA, the School District estimates the total cost to construct an elementary school to be $15,904,109 and a middle school to be $25,978,259. Multiplying these costs by the projected school facilities needed by the Proposed Development results in an estimated cost impact at the elementary and middle school levels as shown in Tables 4 and 5, respectively.

<table>
<thead>
<tr>
<th>Table 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary School Cost Impact (2009$)[1]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Scenario 1</th>
<th>Scenario 2</th>
<th>Scenario 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total School Cost</td>
<td>$15,904,109</td>
<td>$15,904,109</td>
<td>$15,904,109</td>
</tr>
<tr>
<td>School Facilities Needed</td>
<td>2,9433</td>
<td>0</td>
<td>4,2583</td>
</tr>
<tr>
<td>Cost Impact</td>
<td>$46,810,564</td>
<td>$0</td>
<td>$67,724,467</td>
</tr>
</tbody>
</table>

[1] CDE guidelines have identified 10.2 acres as the recommended site size for an elementary school designed to house 600 students. Based on data utilized in the 2009 SFNA, site acquisition costs are approximately $10,434 per acre and site development costs are $144,183 per acre.
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Table 5

Middle School Cost Impact (2009$)[1]

<table>
<thead>
<tr>
<th>Item</th>
<th>Scenario 1</th>
<th>Scenario 2</th>
<th>Scenario 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total School Cost</td>
<td>$25,978,259</td>
<td>$25,978,259</td>
<td>$25,978,259</td>
</tr>
<tr>
<td>School Facilities Needed</td>
<td>0.4413</td>
<td>0</td>
<td>0.6375</td>
</tr>
<tr>
<td>Cost Impact</td>
<td>$11,464,206</td>
<td>$0</td>
<td>$16,561,140</td>
</tr>
</tbody>
</table>

[1] CDE guidelines have identified 15.3 acres as the recommended site size for a middle school designed to house 800 students. Based on data utilized in the 2009 SFNA, site acquisition costs are approximately $16,434 per acre and site development costs are $144,183 per acre.

To calculate the total cost impact to School District, the cost impact at the elementary school level was added to the cost impact at the middle school level. This calculation is shown in Table 6.

Table 6

Total Cost Impact by Scenario (2009$)

<table>
<thead>
<tr>
<th>Item</th>
<th>Scenario 1</th>
<th>Scenario 2</th>
<th>Scenario 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost Impact</td>
<td>$58,274,770</td>
<td>$0</td>
<td>$84,285,607</td>
</tr>
</tbody>
</table>

Using the Total Cost Impact shown in Table 7 and the projected number of units to be constructed in each scenario, the School District was able to determine the cost impact per unit to house projected students from the Projected Development. This calculation is shown in Table 7.

Table 7

Projected Cost Impact per Unit (2009$)

<table>
<thead>
<tr>
<th>Item</th>
<th>Scenario 1</th>
<th>Scenario 2</th>
<th>Scenario 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost Impact</td>
<td>$58,274,770</td>
<td>$0</td>
<td>$84,285,607</td>
</tr>
<tr>
<td>Projected Units</td>
<td>2,385</td>
<td>0</td>
<td>3,450</td>
</tr>
<tr>
<td>Cost Impact per Unit</td>
<td>$24,434</td>
<td>$0</td>
<td>$24,431</td>
</tr>
</tbody>
</table>

As you may know, the State of California ("State") provides funding to school districts to construct school facilities. This funding amount was envisioned by Senate Bill ("SB") 50 to provide 50 percent of the total cost of constructing schools. Impact fees from developers were to provide the matching funds. However, due to escalation in the cost of constructing schools, State funding now provides only 40 to 45 percent of the amount needed to construct schools, which leaves a larger amount for school districts to fund through development impact fees. Table 8 illustrates the state funding School District would receive on a per unit basis.
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<table>
<thead>
<tr>
<th>Table 8</th>
<th>Projected Unmitigated Cost per Unit (2009$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Scenario 1</td>
</tr>
<tr>
<td>Cost Impact per Unit</td>
<td>$24,434</td>
</tr>
<tr>
<td>State Funding per Unit</td>
<td>($10,383)</td>
</tr>
<tr>
<td>Unmitigated Cost per Unit</td>
<td>$14,051</td>
</tr>
</tbody>
</table>

As shown above, despite consideration of state funding, there is a projected funding shortfall between $14,051 and $14,049 per unit. Unfortunately, school districts are restricted by the State as to how much they are allowed to levy in development impact fees. Based on the Level II Fees justified in the 2009 SFNA, the projected developer fee revenue is approximately $10,382 per unit leaving school districts with a large funding shortfall to fill in order to construct schools that meets the needs of the communities they serve. In order to resolve this funding gap, a school district must seek other sources of funding to provide adequate educational resources for the community’s K-8 children.

Without negotiating a mitigation agreement that allows for the funding of adequate school facilities, the School District would be required to build inadequate facilities or add to existing facilities, which would create impacts on existing communities within the School District. Specifically, if a mitigation agreement is not arranged to offset the costs for the construction of new facilities and/or set aside land within the Proposed Development for the construction of school facilities, it will be necessary for the School District to expand its current facilities and house students in relocatable classrooms. Such impacts would exacerbate infrastructure needs at these facilities and add capacity above what the CDE would recommend for these school sites. In addition, due to the location of the community’s existing schools and the insufficient size of the School District’s facilities, the lack of a mitigation agreement will place an increased strain on the School District and community’s current infrastructure.

Based on Scenarios 1 and 3 presented in the Draft EIR, the Projected Development will be located approximately 40 miles away from existing school facilities. Transporting the K-8 students to existing school facilities will require the School District to expend additional costs for the busing of students from the Projected Development to existing schools. In addition, the School District would be unable to provide full transportation services to the projected students in Scenarios 1 and 3, requiring students to be driven to their assigned school facilities. Increased automobile density near existing school facilities would cause traffic and noise impacts to the surrounding communities, which would require additional mitigation. Student safety is also a cause for concern since the students will need to travel long distances to attend the existing schools. Specifically, students will need to travel 38.1 miles to Sierra Vista Elementary School, 37.2 miles to Bear Mountain Elementary School, or 38.0 miles to Haven Drive Middle School. These mileages are one-way only and are reflected in Table 4.13-4 in the EIR.
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Additionally, while Scenario 2 does not contribute a direct impact upon the School District, boundary changes to the School District as proposed in both Scenarios 2 and 3 are subject to examination by the Kern County Office of Education. To ensure compliance with the Education Code Section 35753, reorganization proposals must receive determination that minimum conditions under Education Code 35753 are substantially met. Conditions outlined by Education Code Section 35753 require analysis of indirect impacts caused to the School District based on boundary adjustments proposed in Scenarios 2 and 3. Conditions that must be examined are:

1. The reorganized districts will be adequate in terms of number of pupils enrolled.
2. The districts are each organized on the basis of a substantial community identity.
3. The proposal will result in an equitable division of property and facilities of the original district or districts.
4. The reorganization of the districts will preserve each affected district’s ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.
5. Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
6. The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.
7. Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
8. The proposed reorganization is primarily designed for purposes other than to significantly increase property values.
9. The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the proposed district or any existing district affected by the proposed reorganization.
10. Any other criteria as the board may, by regulation, prescribe.

Because the School District has issued general obligation (“GO”) bonds that are paid for by taxpayers throughout the School District boundaries, removal of the Proposed Development from the School District’s territory will result in an adverse effect on the remaining taxpayers. Therefore, at a minimum, it may be difficult to satisfy condition nine (9) of Education Code Section 35753.

The School District appreciates the efforts of the County to fully identify impacts and potential mitigation solutions related to the Projected Development. However, this correspondence constitutes the School District’s response to the findings in the Draft EIR and requests that the County fully consider the concerns outlined above before preparing the Final EIR. It is the desire of the School District and expectation of the community that a School Facilities Impact Mitigation Agreement (“Agreement”) that adequately addresses all of the issues raised in this letter be executed by the School District and the involved parties of the Projected Development.
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Should you have any questions about (i) the findings of the School District or (ii) the terms and conditions of an Agreement, please do not hesitate to contact me or Chris Davis at (951) 854-6600.

Sincerely,

[Signature]

Jeraldine Kavanagh
Superintendent

14-V2

Response 14 A.

Thank you for your comment. The Arvin Union School District (District) and its financial and demographic consultant, Dolinka Group, LLC, submitted comments regarding concerns with impacts on school facilities, housing of pupils generated by the proposed Project, and impacts on the surrounding communities. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR.

Response 14 B.

The comment states that, unless properly mitigated, the proposed Project will have a significant adverse impact on existing school facilities and the District's ability to adequately house K-8 children, as well as impacts on the surrounding communities.

Kern County agrees with the comment. The Draft EIR reached the same significance conclusion as the commentor: prior to mitigation, the proposed Project's impacts on existing schools would be significant, as existing schools would not have the capacity to absorb the students generated by the Project because they are all near or exceed design capacities. The Draft EIR proposes Mitigation Measure 4.13-13 to mitigate Project impacts on public schools to less than significant. The commenter's opinion about the significance of Project impacts prior to mitigation is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Mitigation of other significant adverse impacts of the proposed Project on surrounding communities is addressed in other topical areas in Chapter 4 of the Draft EIR, and since no specific non-school impacts are addressed by this comment a more detailed comment is not warranted

Response 14 C.

The comment states that the District has made available for public review a School Facilities Needs Analysis for school year 2008/2009 which calculates student generation rates which are more regionally relevant in determining the impacts caused by the proposed Project when compared with the student generation rates used in the Draft EIR. The comment suggests that the District's student generation rates are more regionally relevant because the rates are based on units built in the last five (5) years within the District.

At the time the Draft EIR was circulated, the 2008/2009 School Facilities Needs Analysis had not yet been adopted by the Arvin Union School Board, as noted by the District in its comment letter. Instead, the Draft EIR used student generation rates supplied by the neighboring El Tejon Unified School District, consistent with Government Code section 65995.6(a). However, in response to this comment, and for informational purposes, the Final EIR has been revised to use the District's recently adopted student generation rates to calculate the number of pupils generated by the proposed Project within the District's service area. (Arvin Union School District 2009.) See Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR and Section 4.13-4, PUBLIC SERVICES, Impacts and Mitigation Measures, as follows:
Long-Term (Operations-Related) Impacts

Student Generation

Portions of the Tejon Mountain Village site are located within the El Tejon Unified School District, with other portions in the Arvin Union School District and Kern High School District. Due to transportation and roadway access considerations, it is not known which of these school districts would actually service the Project; therefore, three possible scenarios were analyzed. The number of potential new students generated by the Project estimated in each scenario is conservative because full Project occupancy would not occur for several years and many units would not be occupied on a full-time, year-round basis.

- **Scenario 1.** The existing school district boundaries would remain at their existing locations, and Project area students would attend schools in the currently designated districts.
- **Scenario 2.** A school boundary change would be approved by the California Board of Education to adjust the boundaries so that the Tejon Mountain Village site would be in the El Tejon Unified School District.
- **Scenario 3.** A school boundary change would be approved by the California Board of Education to adjust the boundaries so that the Tejon Mountain Village site would be in the Arvin Union School District or Kern High School District.

Student generation factors for residential units within the El Tejon Unified School District were based on numbers from factors supplied by the El Tejon Unified School District, which uses Panama-Buena Vista Union School District generation rates for kindergarten through eighth grade, and the Kern High School District for ninth through 12th grade. (Note: The Panama-Buena Vista Union School District is in southwestern Bakersfield.) These rates are as follows:

- Kindergarten through sixth grade: 0.58 students per house-residential unit;
- Seventh and eighth grade: 0.14 students per house-residential unit; and
- High school: 0.20 students per house-residential unit.

Student generation factors for residential units within the Arvin Union School District were based on factors identified by the Arvin Unified School District in the School Facilities Needs Analysis adopted by the Board of Trustees on July 21, 2009. These rates are as follows:

- Kindergarten through sixth grade: 0.7406 students per residential unit; and
- Seventh and eighth grade: 0.1478 students per residential unit.

Student generation factors for residential units within the Kern High School District were based on factors used by the Kern High School District for ninth through 12th grade pupils. The applicable rate for high school pupils is 0.2442 students per single family detached residential unit and 0.1694 students per multi-family attached residential unit. (Kern High School District, Residential Development School Fee Justification Study, March 26, 2008). For purposes of Scenario 1, the EIR assumes that all 2,385 residential units in the Kern High
School District will be single family detached units and in the El Tejon Unified School District the general 0.20 student generation factor is used for high school students because ETUSD does not distinguish between multi-family and single family residential uses. For purposes of Scenario 3, the EIR assumes that the Project will consist of 3,050 single family detached residential dwelling units and 400 multi-family attached residential dwelling units. Notwithstanding the assumptions made for Scenario 1 and Scenario 3 regarding the single family and multi-family product mix, under the Tejon Mountain Village Specific Plan and Community Plan Special Planning District, the mix of single family and multi-family units can vary, which could result in a higher or lower number of students overall and/or within one or more of the Kern High School District, the Arvin High School District or the El Tejon Unified School District. Variations in the single family/multi-family residential product mix from the figures assumed in this EIR will not change the ultimate conclusion that the Project impacts on high schools will be significant prior to implementation of Mitigation Measure 4.13-12.

**Scenario 1: Existing School District Boundaries.** Of the 3,450 residential units at Tejon Mountain Village, 1,065 would be in the El Tejon Unified School District. These units would have an estimated maximum population of 3,339 of which 785 of which 981 residents would be of school age. For this analysis, it was assumed that all of these students would attend existing public schools in the El Tejon Unified School District. For purposes of calculating K-8 student generation, the EIR does not distinguish between single family and multi-family residential units, as the Arvin Union School District and El Tejon Unified School District do not currently use separate student generation rates for single family detached and multi-family attached residential land uses. As a result, the number of K-8 students generated by the Project could be lower than calculated by this EIR if a multi-family generation rate is used, because multi-family residential units have a higher likelihood of households without children.

Of the 3,450 residential units at Tejon Mountain Village, 2,385 would be in the Arvin Union School District or Kern High School District. These units would have an estimated maximum population of 7,477 of which 4,757 residents would be of school age. For this analysis, it was assumed that all of these students would attend existing public schools in the Arvin Union School District or the Kern High School District.

The results of the Project student generation analysis under the Scenario 1 assumptions are shown in Table 4.13-2.
### Table 4.13-2. Student Generation: Scenario 1 (Existing Boundaries)

<table>
<thead>
<tr>
<th>School</th>
<th>Approximate Distance from Tejon Mountain Village (entrance)</th>
<th>Grades</th>
<th>Current Enrollment¹</th>
<th>Tejon Mountain Village Student Generation</th>
<th>Total Enrollment with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>El Tejon Unified School District</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frazier Park School</td>
<td>11.7 miles</td>
<td>K–3</td>
<td>305289</td>
<td>288353</td>
<td>593642</td>
</tr>
<tr>
<td>El Tejon School</td>
<td>3.7 miles</td>
<td>4–8</td>
<td>420436</td>
<td>437415</td>
<td>857854</td>
</tr>
<tr>
<td>Frazier Mountain High School</td>
<td>4.0 miles</td>
<td>9–12</td>
<td>484462</td>
<td>243</td>
<td>697675</td>
</tr>
<tr>
<td><strong>Arvin Union School District/Kern High School District</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sierra Vista Elementary School or Bear Mountain Elementary School</td>
<td>38.1 miles or 37.2 miles</td>
<td>K–6</td>
<td>2,167,1792</td>
<td>1,1851,766</td>
<td>3,3523,558</td>
</tr>
<tr>
<td></td>
<td></td>
<td>K–5</td>
<td>(combined enrollment of both schools)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haven Drive Middle School</td>
<td>38.0 miles</td>
<td>6–8</td>
<td>1,042,716</td>
<td>532,353</td>
<td>1,574,1069</td>
</tr>
<tr>
<td>Arvin High School or Ridgeview High School</td>
<td>37.8 miles or 34.6 miles</td>
<td>9–12</td>
<td>3,280,5094</td>
<td>477,582</td>
<td>3,757,5676</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(combined enrollment of both schools)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

¹ El Tejon Unified School District enrollment based on 2006–2007 school year. Arvin Union School District/Kern High School District based on total current enrollment in schools at based on California Basic Educational Data System for the given grade level divided by the number of schools at that grade level in the district 2008/2009 school year.

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**Scenario 2: Annexation into El Tejon Unified School District.** Under Scenario 2, all potential students at Tejon Mountain Village would attend existing public schools in the El Tejon Unified School District. The results of this analysis are shown in Table 4.13-3.
Table 4.13-3. Student Generation: Scenario 2 (Annexation into El Tejon Unified School District)

<table>
<thead>
<tr>
<th>School</th>
<th>Approximate Distance from Tejon Mountain Village (entrance)</th>
<th>Grades</th>
<th>Current Enrollment</th>
<th>Tejon Mountain Village Student Generation</th>
<th>Total Enrollment with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frazier Park School</td>
<td>11.7 miles</td>
<td>K–3</td>
<td>305289</td>
<td>1143</td>
<td>1,448,432</td>
</tr>
<tr>
<td>El Tejon School</td>
<td>3.7 miles</td>
<td>4–8</td>
<td>420436</td>
<td>1341</td>
<td>1,761,777</td>
</tr>
<tr>
<td>Frazier Mountain High School</td>
<td>4.0 miles</td>
<td>9–12</td>
<td>484462</td>
<td>690</td>
<td>1,174,152</td>
</tr>
</tbody>
</table>

Note: El Tejon Unified School District current enrollment figures based on data from the California Basic Educational Data System for the 2008/2009 school year.

Scenario 3: Annexation into Arvin Union School District/Kern High School District. Under Scenario 3, all potential students at Tejon Mountain Village would attend existing public schools in the Arvin Union School District or Kern High School District. The results of this analysis are shown in Table 4.13-4.
Table 4.13-4. Student Generation: Scenario 3 (Annexation into Arvin Union School District/Kern High School District)

<table>
<thead>
<tr>
<th>School</th>
<th>Approximate Distance from Tejon Mountain Village (entrance)</th>
<th>Grades</th>
<th>Current Enrollment</th>
<th>Tejon Mountain Village Student Generation</th>
<th>Total Enrollment with Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arvin Union School District/Kern High School District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sierra Vista Elementary School or Bear Mountain Elementary School</td>
<td>38.1 miles or 37.2 miles</td>
<td>K-5 or K-6</td>
<td>2,167,792 or 2,234,043</td>
<td>4,714,255 or 4,597,461</td>
<td>3,881,434 or 3,871,497</td>
</tr>
<tr>
<td>or Haven Drive Middle School</td>
<td>38.0 miles</td>
<td>6-8 7-8</td>
<td>4,042,716</td>
<td>769,510</td>
<td>4,812,226</td>
</tr>
<tr>
<td>or Arvin High School or Ridgeview High School</td>
<td>37.8 miles or 34.6 miles</td>
<td>9-12</td>
<td>3,280,504 or 3,259,630</td>
<td>690,813</td>
<td>3,971,317 or 3,959,443</td>
</tr>
</tbody>
</table>


In addition, for informational purposes, the Final EIR uses current grade distribution figures and California Basic Educational Data System data for current enrollment, as shown in Section 7.2.

REVISIONS TO THE PROJECT EIR:

Page 4.13-5

A portion of the Tejon Mountain Village site is located within the El Tejon Unified School District, which provides educational services for grades kindergarten through 12. The remainder of the site is located within the Arvin Union School District and the Kern High School District. The Arvin Union School District provides educational services for grades kindergarten through eight, while grades nine through 12 are administered by the Kern High School District.

El Tejon Unified School District

The El Tejon Unified School District services the communities of Lebec, Frazier Park, Lake of the Woods, Lockwood Valley, Pinon Pines, Cuddy Valley, and Pine Mountain Club. Presently, the district operates Frazier Park School, serving kindergarten through third grade; El Tejon School, serving fourth through eighth grade; Frazier Mountain High School, serving ninth through 12th grade; El Tejon Continuation High School, serving ninth through 12th grade; and
Pine Mountain Learning Center, a charter school serving kindergarten through sixth grade (see Figure 4.13-2).

Enrollment in the El Tejon Unified School District has varied over the last 10 years, from a high of 1,426 students in the 2003/2004 school year to a low of 1,301 students in the 2006/2007 school year. The current enrollment of 1,349 students is near the 2007/2008 school year low point, according to data from the California Basic Educational Data System.

The El Tejon Unified School District is facing numerous physical challenges, including inadequate building space, aging moveable classrooms, and undersized playground areas (El Tejon Unified School District Governing Board 2008).

**Frazier Park School**

Originally built as a 5,280-square-foot facility to serve approximately 100 primary-age children, Frazier Park School currently has 26,400 square feet of state-approved building space. Students are instructed in four permanent classrooms located in the original wing of the school and 20 portable classrooms. Located in Frazier Park, the school’s current student population is approximately 305 (El Tejon Unified School District Governing Board 2008). These figures are based on California Basic Educational Data System figures for 2008/2009 school year.

**El Tejon School**

Originally built to serve about 75 students, El Tejon School now consists of an office, library, gymnasium, cafeteria with attached kitchen facilities, staff lounge/lunch room, 14 permanent classrooms in five concrete wings, 10 moveable classrooms, and two sets of boy/girl bathrooms. The current student population is approximately 420 students (El Tejon Unified School District Governing Board 2008). These figures are based on California Basic Educational Data System figures for 2008/2009 school year.

**Frazier Mountain High School**

The original Frazier Mountain High School was constructed with a main building to house administration, the library, central kitchen, gymnasium, cafeteria, music room, technical center/classroom M1, nine permanent classrooms, and five portable classrooms. Since the school’s construction, eight additional portable classrooms have been added, for a total of 22 classrooms. One of the portable classrooms is located in a section of the school that has been designated as the agriculture/greenhouse area. A greenhouse and barn have been built there. The current student population is approximately 484 (El Tejon Unified School District Governing Board 2008). These figures are based on California Basic Educational Data System figures for 2008/2009 school year.

**El Tejon Continuation High School**

Adjoining but separate from Frazier Mountain High School, El Tejon Continuation High School is a new school that offers an alternative education. It consists of two moveable buildings that are linked by a small central office area. Enrollment is approximately 42 students (El Tejon Unified School District Governing Board 2008). These figures are based on California Basic Educational Data System figures for 2008/2009 school year.
Pine Mountain Learning Center

The El Tejon Unified School District established Pine Mountain Learning Center, which is a charter school located west of the Pine Mountain Club. The current facilities are on leased land; the original buildings are owned by Kern County. Since it opened, two moveable classrooms have been added to the property. The current enrollment is approximately 84 students (El Tejon Unified School District Governing Board 2008, California Basic Educational Data System figures for 2008/2009 school year).

Arvin Union School District

The Arvin Union School District services Arvin and the surrounding area at the base of Bear Mountain. This district includes three elementary schools and a middle school: Bear Mountain Elementary School, Sierra Vista Elementary School, El Camino Real Elementary School, and Haven Drive Middle School (see Figure 4.13-2) (Arvin Union School District 2008).

In the 2006–2007 school year, Arvin Union School District had 3,209 students, 2,167 at the elementary school level and 1,042 at the middle school level. (Note: These figures do not include El Camino Real Elementary School, which opened in the 2007–2008 season.) The district has had a relatively consistent growth rate in the past decade of about 2% to 4% every year (Educational Data Services Inc. 2008).

Sierra Vista Elementary School

Sierra Vista Elementary School, established in 1951, is located at 300 Franklin Street in Arvin and serves grades kindergarten through five. The school consists of 50 classrooms, a library, a computer lab, a multi-purpose room/cafeteria, a staff room, two playgrounds, and an administrative office (Arvin Union School District 2007c). Its 2006–2007 enrollment was 1,111 students (Educational Data Services Inc. 2008, California Basic Educational Data System figures for 2008/2009 school year).

Bear Mountain Elementary School

Bear Mountain Elementary School, established in 1995, is located at 1501 Hood Street in Arvin and serves grades kindergarten through five. The school consists of 42 classrooms, a library, a multi-purpose room, a staff room, and three playgrounds (Arvin Union School District 2007a). Its 2006–2007 enrollment was 1,056 students (Educational Data Services Inc. 2008, California Basic Educational Data System figures for 2008/2009 school year).

Haven Drive Middle School

Haven Drive Middle School, built in 1945, is located at 341 Haven Drive in Arvin and serves grades six through eight. The school has 46 classrooms, a library, two computer labs, a multi-purpose room/cafeteria, a staff room, a gymnasium, a playground, and a video studio (Arvin Union School District 2007b). Its 2006–2007 enrollment was 1,042 students (Educational Data Services Inc. 2008, California Basic Educational Data System figures for 2008/2009 school year).
Kern High School District

The Kern High School District is composed of 22 schools located throughout Kern County, from north of Bakersfield to Arvin, including 18 high schools and five continuation facilities. There is also one charter school. The Tejon Mountain Village site falls within the boundaries of Arvin High School as well as Ridgeview High School (Kern High School District 2006).

In the 2006–2007 2008–2009 school year, Kern High School District had 36,083 students. The district has experienced a relatively consistent growth rate in the past decade of about 2% to 5% every year (Educational Data Services Inc. 2008).

Arvin High School

Arvin High School is located at 900 Varsity Road in Arvin. It serves the communities of Arvin, Lamont, and Weedpatch as well as their surrounding areas. Its enrollment, which covers 496 classes, was 2,195 students in grades nine through 12. Arvin High School opened in 1949 (Educational Data Services Inc. 2008).

Ridgeview High School

Ridgeview High School is located at 8501 Stine Road in Bakersfield and serves the southwestern portion of Kern County. Its enrollment, which covers 448 classes, was 2,543 students in grades nine through 12 (California Basic Educational Data System figures for 2008/2009 school year). Ridgeview High School opened in 1994 (Educational Data Services Inc. 2008).

The updated grade distribution figures, and enrollment figures provide the most up-to-date information for the Planning Commission and Board of Supervisors. The new figures do not change the Draft EIR's finding that the impacts on school facilities will be, prior to mitigation, significant, nor do the new enrollment figures change the Draft EIR's conclusion that Mitigation Measure 4.13-12 will mitigate the Project's impacts on school services to less than significant.

Response 14 D.

The comment sets forth a table showing the student generation rates determined by the District's 2008/2009 School Facilities Needs Analysis. The table shows student generation rates of 0.7406 for Elementary (K-6) students, 0.1478 for Middle School (7-8) students and a "total" student generation rate of 0.8884. The Final EIR applies these student generation rates to residential units within the District's service area in Scenario 1 and Scenario 2. When the new student generation rates supplied by the District in its comment are multiplied by the residential units that can be constructed in the Project and within the school district's boundaries, the result is an increase in the number of students generated by the proposed Project, as described in more detail in response to Comment 14-I below. The County thanks the District for providing updated information concerning the District's new student generation rates. The revised generation rates do not change the Draft EIR’s finding that impacts on school facilities prior to mitigation will be significant and the Draft EIR's conclusion that with implementation of Mitigation Measure 4.13-13 impacts to schools are less than significant.
Response 14 E.

The comment expresses the District's understanding that the proposed Project consists of approximately 3,450 single family residential units. The comment then states that, using the three scenarios in the Draft EIR, the District's consultant identified units that would be constructed within the school district's boundaries.

The comment accurately states that the proposed Project includes approximately 3,450 single family residential units, as noted in the Draft EIR at 4.13-21. A range of resort residential product types are planned, as described in greater detail in the proposed Tejon Mountain Village Specific and Community Plan. Draft EIR Appendix B-1.

The number of residential units that would be constructed in the District's boundaries is 2,385 in Scenario 1 and 3,450 in Scenario 3. The Draft EIR’s and comment letter’s analyses are in accord on the number of residential units within the District's service area in each scenario, and this comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 14 F.

The comment states that if the student generation rates used in the District's 2008/2009 School Facilities Needs Analysis are applied in each scenario, the District finds that a larger number of K-8 students will be generated by the proposed Project than was presented in the Draft EIR. Commentor is correct in calculating that more K-6 students would be generated under the District's new student generation rate in the Draft EIR's Scenario 1 and more K-6 students would be generated under Scenario 3. The District's student generation rates also result in a slight increase in middle school students when compared to the Draft EIR: approximately 19 additional students in Scenario 1 and approximately 27 more students in Scenario 3. As noted in Response to Comment 14-C, above, the EIR has been revised so that the District's student generation rates are shown for pupils generated within the Arvin Union School District's service area. The revised generation rates do not change the Draft EIR’s finding that impacts on school facilities will be significant prior to mitigation and the Draft EIR’s conclusion that with implementation of Mitigation Measure 4.13-13 impacts to schools are less than significant.

Response 14 G.

The comment states that it is important to note that the Draft EIR applied the student generation rates from Panama-Buena Vista Union School District and those rates were applied to the unit counts in all three scenarios. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. As discussed in Response to Comment 14-C, above, the use of this student generation factor was consistent with Government Code section 65995.6(a); additionally, the District had not adopted its new student generation rates until after the Draft EIR was complete.

Response 14 H.

The comment states that, despite all three scenarios in the Draft EIR totaling 3,450 units, the results of the calculation using the Panama-Buena Vista Union School District student generation rates yielded an unexplained variance in the projected number of students to be generated in each scenario. The comment does not expressly state the nature of the "unexplained variance." There is insufficient information provided by commentor to identify the variance at issue. As explained in Response 14-C, the Draft EIR appropriately used the Panama-Buena Vista Union School District rates; and the Final EIR also includes for informational purposes the new District numbers.
Response 14 I.

The comment sets forth a table showing the number of projected students to be generated by school level from 3,450 single family residential units for each scenario. Based upon 2,385 residential units constructed within the boundaries of the District in Scenario 1, the table shows 1,766 elementary (K-6) students and 353 middle school (7-8) students for a total of 2,119 students. Based upon zero residential units constructed within the boundaries of the District in Scenario 2, the table shows zero elementary (K-6) students and zero middle school (7-8) students for a total of zero students. Based upon 3,450 residential units constructed within the boundaries of the District in Scenario 3, the table shows 2,555 elementary (K-6) students and 510 middle school (7-8) students for a total of 3,085 students. The EIR has been revised per Response 14-C, and now includes these figures for pupils in the Arvin Union School District.

Response 14 J.

The comment asserts that by using the student generation rates in the District's 2008/2009 Student Facilities Needs Analysis, the District projects a greater number of K-8 students to be generated by the proposed Project than what was shown in the Draft EIR. The comment notes that in contrast to the calculations by the District's consultant, the Draft EIR projects the proposed Project will generate 1,717 K-8 students in Scenario 1, zero (0) K-8 students in Scenario 2, and 2,483 K-8 students in Scenario 3 for the District.

The variance between the student numbers included in the Draft EIR are 402 K-8 students under Scenario 1, and 582 under Scenario 3. As explained in Response 14-C, above, and Response 14-P below, the variance in numbers under these scenarios does not warrant any change to the mitigation measures or significance conclusions. The numbers calculated by the District have also been added to the Final EIR for information purposes per Response 14-C.

Response 14 K.

The comment notes that the District's Board of Education has adopted a policy identifying the educationally-optimum facility capacities for future schools. The District has determined that elementary schools will be designed to house approximate 600 students and middle schools to house approximately 800 students. Based on data from the California Basic Educational Data System, enrollment at existing facilities currently exceed or are nearing the capacity levels set by District policy. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. No response necessary, this description of District policy and current District school population levels is not directed at the adequacy or content of the Draft EIR.

Response 14 L.

The comment sets forth a table showing California Basic Educational Data System student enrollment for school district 2008/2009. The table shows enrollment of 884 students at Bear Mountain Elementary School, 854 students at El Camino Real Elementary School, 908 students at Sierra Vista Elementary School, and 716 students at Haven Drive Middle School, for a total enrollment of 3,362 students. Draft EIR Sections 4.13.2, PUBLIC SERVICES, ENVIRONMENTAL SETTING and 4.13.4, PUBLIC SERVICES, IMPACTS AND MITIGATION MEASURES, of the EIR have been augmented with the 2008/2009 student enrollment figures provided by the District.
Response 14 M.

The comment states that the existing elementary facilities of the District are currently operating well above the capacity levels established by District policy. In addition, the District states that existing elementary facilities are operating within the site acreage recommendation set by the California Department of Education. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. No response necessary.

Response 14 N.

The comment acknowledges that there is currently excess capacity available at Haven Drive Middle School, but asserts that these excess seats will be used to house K-6 students as they matriculate into the middle school level and future students from residential units to be constructed in the City of Arvin. The District's assessment of middle school demand from existing K-6 student populations in the City of Arvin has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 O.

The comment states that it is the preference of the District to limit expansion of existing sites that would remain on a permanent basis. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 P.

The comment asserts that the current facilities of the School District would be unable to accommodate any additional students generated from the proposed Project. The comment concludes that construction of new school facilities will be necessary to house the students to be generated from the proposed Project.

The proposed Project does not provide land for educational facilities. Students generated by the proposed Project will be transported to offsite school facilities within the Arvin Union School District, the El Tejon Unified School District and/or the Kern High School District. The Project, if approved, will be completed over a projected period of more than 20 years, and will accordingly include sufficient time for each school district to plan to accommodate Project-related students, and also allow for site acquisition, facility design, and financing planning (including payment of the required student generation fees on a per residential unit basis) in accordance with all applicable legal requirements. School districts will also receive annual reports describing anticipated construction and occupancy.

Consistent with state law, school facility impacts will be mitigated through payment of school fees or execution of a school mitigation agreement. See Mitigation Measure 4.13-13, Draft EIR at 4.13-25. The Leroy F. Greene School Facilities Act of 1998 (SB 50) sets a maximum level of fees a developer may be required to pay to mitigate a project's impacts on school facilities. The maximum fees authorized by SB 50 apply to zone changes, general plan amendments, specific plans, zoning permits, and subdivisions, among other things. SB 50 also prohibits a local agency from denying approval of a development project, by either legislative or adjudicative action, on the basis that school facilities are inadequate to serve the Project.

In enacting SB 50, the California Legislature stated its intent to occupy the field of school facilities impact mitigation and to preempt local regulation in that area. SB 50 expressly overrides both CEQA and local laws in providing the exclusive method of "considering and mitigating impacts on school facilities that may result from a legislative or adjudicative act." Government Code section 65996(a). Furthermore,
the provisions of SB 50 are deemed to provide "full and complete" mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws. Government Code § 65996(b). Finally, the scope of SB 50 is not only far reaching because it trumps contrary provisions of CEQA and other state and local laws, but SB 50 is also broad in scope, as impacts to school facilities include "any school-related consideration relating to a school district's ability to accommodate enrollment." Government Code § 65996(c). In other words, payment of developer fees constitutes full and complete mitigation of school impacts.

Provision of land for new school facilities, or construction of new school facilities, is not part of the proposed Project and is accordingly not evaluated in the Draft EIR. Before acquisition of any required school sites and construction to accommodate additional students, the school districts will need to comply with the requirements of the California Environmental Quality Act, as well as obtain approvals from the California Department of Education, Department of Transportation, Department of Toxic Substances Control, and other agencies as appropriate. New school facilities will be constructed off the Project site but within each District's jurisdictional area, in or near the areas of greatest needs taking into account both existing and planned future growth and development within the District's boundaries. Since no sites have been identified, the EIR cannot include a detailed environmental study of the physical impact of new school facilities. The Draft EIR does include cumulative assessments of population and housing growth in the Project area and region, and school facility construction is part of that and is thus included in this overall cumulative impacts analysis.

Response 14 Q.

The comment states that the District has identified the number of facilities that are needed to adequately house the additional K-8 students in the District by comparing the educational facility capacities adopted by the Board and the projected students to be generated by the construction of the proposed Project. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. The decision whether to build new school facilities or add facilities to existing school sites is the District's, and is beyond the scope of the EIR.

Response 14 R.

The comment asserts that, under Scenario 1, the proposed Project would require the construction of three elementary schools and at least one middle school. As stated previously, as a matter of law, the proposed Project's impact on school facilities is fully mitigated by the payment of school fees or the execution of a school mitigation agreement. Please refer to Response to Comment 14-P, above, which explains the application of SB 50 to the proposed Project.

Response 14 S.

The comment states that, under Scenario 2, the proposed Project would require the construction of no new elementary or middle schools. As stated previously, as a matter of law, the proposed Project's impact on school facilities is fully mitigated by the payment of school fees or the execution of a school mitigation agreement. Please refer to Response 14-P, above, which explains the application of SB 50 to the proposed Project.

Response 14 T.

The comment asserts that, under Scenario 3, the proposed Project would require the construction of at least four elementary schools and at least one middle school. As stated previously, the proposed Project's impact on school facilities is fully mitigated by the payment of school fees, as a matter of law. The
District's decision whether to construct additional schools with the school fees it receives is beyond the scope of the EIR. Please refer to Response 14-P, above, which explains the application of SB 50 to the proposed Project.

**Response 14 U.**

The comment opines that, based on construction, site acquisition, and site development costs identified in the District's 2008/2009 School Facilities Needs Analysis, the District estimates the total cost to construct an elementary school to be $15,904,109 and a middle school to be $25,978,259. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 V.**

This comment sets forth a table that shows the District's estimated cost impact at the elementary school level, calculated by multiplying the District's estimated elementary school construction costs by the number of school facilities the District asserts is needed to accommodate the proposed Project. The table shows, in 2009 dollars, that the District estimates the total elementary school cost for Scenario 1 is $46,810,564, based upon 2.9433 elementary school facilities needed. The District estimates no elementary school cost impact for Scenario 2. The District estimates the total elementary school cost for Scenario 3 is $67,724,467, based upon 4.2583 elementary school facilities needed. The table states that California Department of Education guidelines have identified 10.2 acres as the recommended site size for an elementary school designed to house 600 students. The comment notes that, based upon the 2008/2009 School Facilities Needs Analysis, site acquisition costs are approximately $16,434 per acre and site development costs are $144,183 per acre. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 W.**

This comment sets forth a table that shows the District's estimated cost impact at the middle school level, calculated by multiplying the District's estimated middle school construction costs by the number of school facilities the District asserts is needed to accommodate the proposed Project. The table shows, in 2009 dollars, that the District estimates the total middle school cost for Scenario 1 is $11,484,206, based upon 0.4413 middle school facilities needed. The District estimates no middle school cost impact for Scenario 2. The District estimates the total middle school cost for Scenario 3 is $16,561,140, based upon 0.6375 middle school facilities needed. The table states that California Department of Education guidelines have identified 15.3 acres as the recommended site size for a middle school designed to house 800 students. The comment notes that, based upon the 2008/2009 School Facilities Needs Analysis, site acquisition costs are approximately $16,434 per acre and site development costs are $144,183 per acre. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 X.**

This comment calculates the District's estimate of the total cost impact to the District by adding the cost impact of the elementary school level to the cost at the middle school level. A table shows the District's estimate that Scenario 1 would have a total cost impact of $58,274,770, Scenario 2 would have no cost impact, and Scenario 3 would have a total cost impact of $84,285,607. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. Kern County, acting as lead agency, considers payment of school development impact fees, as required by the State, sufficient mitigation. Impacts are considered less than significant.
Response 14 Y.

This comment determines the cost impact per unit to house projected students in the proposed Project, by dividing the total cost impact by scenario by the projected number of units. The comment includes a table that shows a cost impact per residential unit of $24,434 for Scenario 1, no cost impact per unit for Scenario 2, and a cost impact per residential unit of $24,431 for Scenario 3. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 Z.

The comment states that the State of California provides funding to school districts to construct school facilities pursuant to Senate Bill 50, whereby state government is to provide 50 percent of the total cost of constructing schools. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 A2.

The comment states that impact fees from developers were to provide the matching funds contemplated by Senate Bill 50. The framework established by SB 50 provides that school districts may directly impose developer impact fees on development projects. School districts are authorized to impose one of three different "levels" of fees. Government Code section 65995 establishes the base amount of school fees (known as "Level 1" fees) for residential construction and commercial and industrial construction. "Level 1" fees may, or may not, amount to "matching funds" for school facility construction. A school district may exceed the "Level 1" fee cap and adopt a "Level 2" fee if the governing board of a school district makes a series of findings required by Government Code section 65995.5. If the school district's board can make the necessary findings, then the school district may impose "Level 2" fees, which may be in an amount necessary to fund approximately 50% of the estimated school facilities construction costs and development costs, with state funds supplying the remaining 50%. Government Code section 65995.5(h). A school district may impose so-called "Level 3" fees in the amount of 100% of land and construction costs if, and only if, state school bonds are exhausted. Government Code §65995.7. As of its June 24, 2009 meeting, the State Allocation Board's (SAB) Status of Funds report showed more than $1 billion in available funds for new construction, modernization and other projects.

Education Code section 17072.10 establishes the maximum total new construction grant eligibility for a school construction project. This is based on the number of unhoused pupils in the school district, with an annual adjustment for construction cost changes. Under section 17072.12, the SAB then can provide additional funds, provided that it does not exceed 50 percent of the cost to the district. The regulations for SAB funding are at 2 C.C.R. 1859 et seq.

Section 1859.77.1 states:

Any funding provided by these Regulations shall require a district matching share contribution on a dollar-for-dollar basis with the exception of the following:

(a) Financial hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

(b) If the Approved Application is funded under the Small High School Program, a district matching share equal to at least 40 percent of the total project cost shall be required.
The district may include as its district matching share any amounts expended on the project for an energy audit made pursuant to Education Code section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the district from a program funded pursuant to Public Utilities Code Section 381.

The Arvin School District adopted "Level 2" and "Level 3" fees in its School Facilities Needs Analysis dated July 18, 2009, although Level 3 fees are suspended unless the State Allocation Board ceases to apportion state funds for school facilities construction.

**Response 14 B2.**

The comment asserts that state funding now provides only 40 to 45 percent of the amount needed to construct schools, which leaves a larger amount for school districts to fund through development impact fees. State bond funds are available for up to 50% of the land and development cost for school facilities. As provided in the Response to Comment 14-A2, California law and regulations allow school districts to apply for state apportionments from the SAB in an amount equal to 50% of the acquisition and construction costs of new school facilities. If the state funds provided are found to amount to less than the state's 50% share, 2 C.C.R. section 1859.83 provides additional funding if there are "unusual circumstances that created excessive project costs beyond the control of the district." Funds are available based on small facilities, excessive costs for a new school project, facilities in urban locations, work on sites determined to be a health and safety violation, or fire code-based costs. Therefore, California law allows the school district to apply for and receive 50% of school site acquisition and construction costs. The District's opinion as to the practical availability and utility of state bond funds is noted for the record and consideration by the Planning Commission and Board of Supervisors.

**Response 14 C2.**

The comment sets forth a table to demonstrate the District's opinion as to the unmitigated school construction costs per residential unit in 2009 dollars. The table determines the unmitigated school construction costs by subtracting from the cost impact per residential unit the state funding provided per residential unit. For Scenario 1, the table shows a school construction cost impact per unit of $24,434, less state funding of $10,383 per residential unit, for an unmitigated cost per residential unit of $14,051. For Scenario 2, the table shows no unmitigated costs. For Scenario 3, the table shows a school construction cost impact per residential unit of $24,431, less state funding per unit of $10,382, for an unmitigated cost per residential unit of $14,049.

Please see Response 14-P, above, which describes that SB 50 expressly overrides both CEQA and local laws in providing the exclusive method of "considering and mitigating impacts on school facilities that may result from a legislative or adjudicative act." Government Code section 65996(a). Furthermore, the provisions of SB 50 are deemed to provide "full and complete" mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws. Government Code § 65996(b). In other words, payment of developer fees constitutes full and complete mitigation of school impacts. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 D2.**

The comment asserts that, despite consideration of state funding, there is a projected funding shortfall between $14,051 and $14,049 per unit. The District acknowledges that it is restricted by State law as to how much it is allowed to levy in development impact fees. Based upon the Level 2 fees justified in the
2008/2009 School Facilities Needs Analysis, the projected developer fee revenue is approximately $10,382 per unit, leaving the District with a large funding shortfall to fill in order to construct schools that meet the community's needs. The District asserts that it must seek other sources of funding. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 E2.

The commentor asserts that without a mitigation agreement that allows for the funding of adequate school facilities, the District would be required to build inadequate facilities or add to existing facilities, which would create impacts on existing communities within the school district. Please see the Response 14-P, above, which describes that SB 50 expressly overrides both CEQA and local laws in providing the exclusive method of "considering and mitigating impacts on school facilities that may result from a legislative or adjudicative act." Government Code § 65996(a). Furthermore, the provisions of SB 50 are deemed to provide "full and complete" mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws. Government Code § 65996(b). In other words, payment of developer fees constitutes full and complete mitigation of school impacts. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 F2.

The commentor states that if a mitigation agreement is not arranged to offset the costs for the construction of school facilities and/or set aside land within the proposed Project for the construction of school facilities and house students in relocatable classrooms, the District will have to expand its current facilities and house students in relocatable classrooms. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 G2.

The comments asserts that expanding current facilities or housing students in relocatable classrooms would exacerbate infrastructure needs at the existing facilities and add capacity above what the California Department of Education recommends for the existing school sites. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 H2.

The comment asserts that the lack of a mitigation agreement will place an increased strain on the District and the community's infrastructure, due to the location of the community's existing schools and the insufficient size of the District's facilities. A mitigation agreement is one way the applicant can mitigate the impacts of the Project. The payment of school fees also satisfies, as a matter of law, the required mitigation of Project impacts, please see Response 14-P, above. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 I2.

The comment states that, based upon Scenarios 1 and 3 presented in the Draft EIR, the proposed Project will be located approximately 40 miles away from existing school facilities. Table 4.13-2 of the Draft EIR provides that Sierra Vista Elementary School is 38.1 miles, Bear Mountain Elementary School is 37.2 miles, Haven Drive Middle School is 38.0 miles from the entrance of Tejon Mountain Village. Draft EIR at 4.13-22. These schools are within the Arvin Union School District. Other schools within the El...
Response 14 J2.

The comment states that transporting K-8 students to existing school facilities will require the District to expend additional costs for the busing of students from the proposed Project to existing schools. The District currently operates buses to serve other students in the rural areas of the District. It is anticipated that this bus service will continue to serve rural residential areas, including the Project site. The District's costs of busing students is 100 percent funded by the State of California, according to California Department of Education records and the District's accountant. Additionally the Project will generate substantial new property tax and other revenues, adding to the District's ongoing base funding levels. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 K2.

The comment states that the District will be unable to provide full transportation services to the projected students in Scenarios 1 and 3, requiring students to be driven to their assigned school facilities. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. If bus service is not available, then students will need to be driven to their assigned school facilities. The calculation of student-related traffic trips was included in the Project's Transportation and Air Quality analyses. These analyses incorporate trip rates for each land use type based on the Institute of Transportation Engineers (ITE) Trip Generation Manual which account for commuting, school-related trips, shopping-related trips, and other trips. See Draft EIR at Appendix M-1 pages B-1 to B-7). Additionally, the County has required a separate assessment and calculation of air quality emissions from school buses to the extent that these do eventually serve the Project site. This supplemental air quality analysis is conservative in that the existing analysis already assumes that students will be individually driven to their respective schools, and bus service will reduce net automobile trips and – assuming sufficient bus ridership – could also lower AQ emissions. Please see Section 7.3 of the EIR for this additional school bus air quality data.

Response 14 L2.

The comment states that increased automobile density near existing school facilities would cause traffic and noise impacts to the surrounding communities, which would require additional mitigation. The Project is not located next to any existing Arvin School District facility, and does not increase automobile density near any such existing facilities. Impacts to existing schools in the immediate Project vicinity from noise was considered in Draft EIR Section 4.11, NOISE, and impacts to existing schools from traffic and air quality were considered in Draft EIR Sections 4.3, AIR QUALITY AND CLIMATE CHANGE of the Draft EIR and Section 4.15, TRANSPORTATION AND TRAFFIC, respectively.

Response 14 M2.

The comment asserts that student safety is a cause for concern since the students will need to travel long distances to attend the existing schools. The comment states that students will need to travel 38.1 miles to Sierra Vista Elementary School, 37.2 miles to Bear Mountain Elementary School, or 38.0 miles to Haven Drive Middle School. These trip lengths were included in the Draft EIR traffic assessment. Trip lengths for external trips (trips occurring outside of the Project’s boundaries) are based on regional traffic studies and traffic models. The average trip length for residences is approximately 32 miles. See Draft EIR at
Appendix M1 pages A-12 to A-18). The Project accommodates school bus access along roadways designed to address safety concerns. School buses also include safety features, there are also school bus driver training requirements, to address general school bus safety issues. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 N2.

The comment notes the one way travel distances of 38.1 miles to Sierra Vista Elementary School, 37.2 miles to Bear Mountain Elementary School, or 38.0 miles to Haven Drive Middle School and states that these figures are reflected in Table 4.13-4 of the EIR.

The distances are accurately stated in the comment, and are forwarded to the Planning Commission and Board of Supervisors.

Response 14 O2.

The comment states that while Scenario 2 does not contribute a direct impact upon the District, boundary changes to the District as proposed in Scenarios 2 and 3 are subject to examination by the Kern County Office of Education. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

Response 14 P2.

The comment states that to ensure compliance with Education Code section 35753, reorganization proposals must receive a determination that minimum conditions are substantially met. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors. The proposed Project does not require or recommend a change in school district boundaries and the description of the Project analyzed in this EIR does not include a boundary change. A boundary change is not required to mitigate impacts on schools impacted by the Project and Mitigation Measure 4.13-13 is wholly sufficient to mitigate Project impacts to less than significant. A detailed discussion of the merits of a possible reorganization of one or more school districts is beyond the scope of the EIR. The decision-making process of the State Board of Education will need to be analyzed when a specific reorganization proposal is appropriately before the State Board of Education.

Response 14 Q2.

Conditions outlined by Education Code section 35753 require analysis of indirect impacts caused to the District based upon boundary adjustments proposed in Scenarios 2 and 3. Then, the commentor lists the ten factors that must be examined. Please see Response 14-P2, above. No boundary changes are proposed as part of the proposed Project. A potential reorganization is not before the State Board of Education, nor is a boundary change being sought by the districts or the Project proponent.

Response 14 R2.

The commentor states that because the District has issued general obligation bonds that are paid for by taxpayers throughout the school district's boundaries, removal of the proposed Project from the school district's territory will result in an adverse effect on the remaining taxpayers. Therefore, the District asserts, it may be difficult to satisfy condition nine of Education Code section 35753. The Draft EIR does not find that a school boundary change is necessary to mitigate the impacts of the Project on school services. The Draft EIR recommends only the adoption and implementation of Mitigation Measure 4.13-13 to mitigate school impacts to less than significant. Draft EIR at 4.13-25. The economic effects of any
school boundary change on taxpayers is beyond the scope of CEQA. The focus of environmental analysis under CEQA is a project's potential to impact the physical environment. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 S2.**

The commentor thanks the County for its efforts to identify impacts and potential mitigation measures. The County also thanks the District for its response.

**Response 14 T2.**

The commentor states that its letter constitutes the District's response to the findings of the Draft EIR and requests that the County fully consider the concerns outlined above before preparing the final EIR. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 U2.**

The commentor states that is the District's desire that a School Facilities Impact Mitigation Agreement that adequately addresses all of the issues raised in the letter be executed by the District and the involved parties of the proposed Development. The comment has been noted and included in the record for consideration by the Planning Commission and Board of Supervisors.

**Response 14 V2.**

The letter states that if there are questions about (i) the findings of the District or (ii) the terms and conditions of a mitigation agreement, to contact Jerelle Kavanagh or Chris Davis. The information is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Comment Letter 15

July 9, 2009

Lorelei H. Oviatt, AICP
Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

Dear Ms. Oviatt;

Thank you for your presentation to the Governing Board of the El Tejon Unified School District (ETUSD) on the evening of June 30, 2009. The Board has given careful consideration to the information you have provided and to the Environmental Impact Report prepared by the Kern County Planning Department for the Tejon Mountain Village Project. After their review the Governing Board concluded there are areas of concern not yet fully addressed. The areas of concern are the following:

1. Further clarification of the project schedule and the expected date for granting of the first building permits within the El Tejon Unified School District.
2. Provision for project status reports to the El Tejon Unified School District from the developer at least annually until completion of the project.
3. An assessment and report of the cumulative impact of this project and other currently known projects, including Prater Park Estates, planned in the ETUSD school district boundaries on school enrollments, school facilities, and school operations.
4. Identification of possible school sites within the project area consistent with requirements of the California Department of Education and the Division of the State Architect.
5. Further clarification of the plans for ETUSD school bus access and travel within the project area.
6. Further information on traffic mitigation during construction and over the life of the project including provisions for the transportation to the project from communities in Kern County of individuals working within the project.
7. Clarification of both short term and long term impact on the air quality of construction within the project area on the District’s school sites.
8. Further clarification of the mitigation requirements for noise, dust and traffic resulting from construction that impinged on School District facilities.
9. Further assessment of water flow, water quality and flooding impacts of the development on school district facilities and operations.
10. Further information on the resources available within the TMV development to the school district for instructional programs including occupational training opportunities in conjunction with commercial development, access to conservancy areas, and the possibility of a relationship between the nature and wild life conservancy to be established by the project that would be of benefit to the District’s instructional program.
11. Further assessment of fire risk due to construction on school district facilities and operations and further information on the mitigation efforts.

15-A
15-B
15-C
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Comment Letter 15, Cont.

We wish to thank the members of the Kern County Planning Commission for their efforts. We look forward to hearing your response to our concerns.

Yours truly,

Mark Furrer
Acting Superintendent
Comment Letter 15. El Tejon Unified School District (July 9, 2009)

Response 15 A.

Thank you for your comment. The comment from El Tejon Unified School District (ETUSD) seeks clarification on the Project schedule and the expected date for granting of the first building permit within the ETUSD boundaries. The earliest projected grading start date is late 2010. The first building permits within the ETUSD boundaries would follow in early to mid 2011. First occupancy of residential structures is not expected until early to mid 2013. These are the earliest dates expected and actual dates could vary depending on adjustments to the entitlement schedule and market conditions.

Response 15 B.

The commentor requests Project status reports on an at-least annual basis, until Project completion. It is presumed that this request is made so that the ETUSD can monitor the progress of Project development and plan accordingly.

Pursuant to Public Resources Code Sections 21002.1(a) and 21100(b)(3) and CEQA Guidelines Section 15126.2(a), an EIR must identify mitigation measures to minimize those significant effects on the environment from the proposed Project. This requires the mitigation of Project impacts upon public services, including impacts to schools. In compliance with these requirements, Section 4.13 of the Draft EIR analyzes potential Project impacts upon ETUSD and identifies Mitigation Measure 4.13-12 to ensure that these potential impacts are less than significant. Mitigation Measure 4.13-12 requires that prior to the approval of the first building permit for the Project, the Project proponent shall either pay developer fees with each building permit to the appropriate school district(s) or negotiate a school mitigation agreement to the satisfaction of the school district(s). Draft EIR Section 4.13, PUBLIC SERVICES.

If ETUSD is impacted by the Project and therefore the recipient of developer fees or a party to a school mitigation agreement, it will be one of the Responsible Monitoring Agencies for this Mitigation Measure. In this capacity, ETUSD will be kept apprised of the status of Project development to the degree that it is impacted by the Project. In addition, in order to ensure that Kern County School Districts will be informed of the Project status in advance of and in addition to the payment of developer fees or negotiation of a mitigation agreement, Mitigation Measure 4.13-12 will be revised to read:

Mitigation Measure 4.13-12: Prior to the approval of the first building permit for the project, the project proponent shall either pay developer fees with each building permit to the appropriate school district(s) or negotiate a school mitigation agreement to the satisfaction of the school district(s) that would be affected by the project in accordance with the provisions of California Government Code Section 65996 and related implementing legislation and regulations. Within one year of Project approval, The Master Developer, Tejon Mountain Village, LLC, or their designee, will provide to El Tejon Unified, Arvin Union, and Kern High School Districts a general progress report regarding Project development status along with an estimate as to what general areas development may occur throughout the course of the year. General progress reports must be provided to each of the Districts thereafter, until Project completion, at no less than one year intervals. These progress reports may be in the form of updated Mitigation Monitoring Plans, showing which Mitigation Measures have been completed.

Please refer to Section 7.3, REVISIONS TO THE PROJECT DRAFT EIR.
Response 15 C.

The commentor requests specific information regarding cumulative impacts. The Draft EIR's cumulative impact analysis fulfills CEQA requirements. CEQA Guidelines Section 15130 requires an EIR to describe and analyze cumulative impacts only if the impact is significant and the Project's incremental effect is cumulatively considerable. "Where a Lead Agency is examining a project with an incremental effect that is not cumulatively considerable, a Lead Agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable." CEQA Guidelines § 15130. See Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 46 (holding that a lengthy explanation of why cumulative impacts were found to be insignificant is not required). Accordingly, when an EIR concludes that a project's potential contribution to a cumulative impact will be fully mitigated, a separate cumulative impact analysis is not required. See Environmental Protection & Information Center v. Department of Forestry and Fire Protection (2008) 44 Cal.4th 459, 526 (stating that given extensive project-level analysis of impact and mitigation that will reduce impact to less than significant, CEQA does not require separate cumulative impact analysis of same).

Draft EIR Section 4.13.5 analyzes cumulative impacts on public services, including ETUSD, if the Project were to combine with other housing and mixed-use projects planned within the service area, but concludes that cumulative impacts on public services would be less than significant because the Project would offset impacts through implementation of Mitigation Measures 4.13-1 through 4.13-13. Two of these Mitigation Measures relate to Project impacts upon schools. Accordingly, the law does not require this potentially cumulative impact to be discussed in greater detail, and no specific information needs to be provided regarding cumulative impacts upon school enrollments, school facilities, and school operations.

Response 15 D.

The commentor requests the identification of possible school sites within the Project area that are consistent with various requirements regarding school locations. This is not required under law. The Draft EIR complies with Public Resources Code Section 21002.1(a), requiring an EIR to identify a Project's significant effects on the environment, to identify alternatives to the Project, and to indicate the manner in which significant effects can be mitigated or avoided. Draft EIR Section 4.13-4 analyzes how the Project would impact public schools and identifies mitigation measures to mitigate these impacts to less than significant. One of these Mitigation Measures involves the payment of fees or other negotiated mitigation to affected districts which could enable district acquisition of school sites. CEQA does not require that possible school sites within a project area be identified as part of this impact analysis or mitigation and the California Department of Education and the Division of the State Architect merely set forth the extensive criteria that must be considered in selecting public school sites. See e.g. California Department of Education 2009 (listing numerous site selection criteria and safety factors that are considered in the identification of school sites, and providing an overview of the CEQA process that is applicable to site selection).

The Project is located within the boundaries of three school districts, one of which is ETUSD. Please see Draft EIR Section 4.13, PUBLIC SERVICES pages 4.13-5 through 4.13-7. Due to transportation and roadway access considerations, it is not known which of the three school districts will serve the Project at this time, so Section 4.13-4 analyzes how the Project would impact public schools under three possible scenarios. Id. For example, one scenario considers impacts if the existing school district boundaries would remain at their existing locations, while another considers the approval of a school boundary change so that the entire Project site is within the boundaries of the Arvin Union or Kern High School Districts (and none is within the ETUSD). Id. The results of the student generation analysis under the three different
scenarios is provided. *Id.* Because Project impacts on existing schools would be significant in all three student generation scenarios analyzed, the Draft EIR implements Mitigation Measure 4.13-12 to reduce impacts to a less-than-significant level. *Id.* Mitigation Measure 4.13-12 requires that prior to the approval of the first building permit for the Project, the Project proponent shall either pay developer fees with each building permit to the appropriate school district(s) or negotiate a school mitigation agreement to the satisfaction of the school district(s). *Id.* This measure ensures that regardless of how and whether boundary changes are approved, impacted school districts will receive developer fees or other agreed-upon mitigation so they can pay for these impacts and make necessary improvements. In addition, new Mitigation Measure 4.13-14 requires that within one year of Project approval, the Master Developer Tejon Mountain Village, LLC or their designee, will provide to El Tejon Unified, Arvin Union, and Kern High School Districts a general progress report regarding Project development status. General progress reports must be provided to each of the districts thereafter, until Project completion, at no less than one year intervals. These progress reports may be in the form of updated Mitigation Monitoring Plans, showing which Mitigation Measures have been completed. In conclusion, the EIR's analysis and mitigation of Project impacts upon public services, including schools, is sufficient under the law.

**Response 15 E.**

The commentor requests clarification of the plans for school bus access and travel within the Project area. The on-site roadway system and proposed improvements to the two interchanges serving the Project are designed to serve all future traffic, including school buses. The design standards will be adequate to ensure safe routes for school buses into/out of, and within, the Project. The Tejon Mountain Village Specific and Community Plan and Special Planning District and Figure 4.15-6 show the Project internal roadways, and Revised TIS (Appendix M1) and Section 7.2 have further information about the on-site roadway system as well as local interchange and intersection improvements.

**Response 15 F.**

This comment, and comment 15-G, from ETUSD, requests further information on traffic mitigation during construction and over the life of the Project, and the provision of transportation for individuals working in the project. In response to comments, the traffic mitigation measures have been revised as set forth in Section 7.2 and in Table 7.1 of the Revised TIS, which includes a comprehensive analysis of both residential and employee transportation issues. Mitigation requirements for traffic-related construction activities are included in Mitigation Measure 4.15-47, and air quality mitigation requirements for construction vehicles are included in Mitigation Measure 4.3-2. Construction traffic was shown in the Revised TIS to be substantially lower than the Project traffic that would use the same roadway facilities, and hence would not cause any impacts that were not already identified as part of the Project analysis (see discussion on Page 5-29 of the Revised TIS, Appendix M1). Construction-related traffic mitigation requirements are described in Response to Comment 24-O4.

**Response 15 G.**

The commentor states that the Draft EIR should analyze the short and long-term impacts of the Project's air quality construction on the District's school sites. Section 4.3, AIR QUALITY AND CLIMATE CHANGE includes a thorough discussion of the Project's construction and operational impacts. This includes an analysis of local concentrations of criteria pollutants during constructions and operations. Draft EIR at 4.3-74, 4.3-76, 4.3-108 to 4.3-113, 4.3-122 to 4.3-127. The detailed analysis is included as Appendix D-5 to the Draft EIR. The criteria pollutant analysis measured impacts to El Tejon Middle School – the closest sensitive receptor to the Project site – for both construction and operations. *See* Draft EIR, Appendix D-5, at ES-2, 11. As explained in the Draft EIR, the Project will not result in significant
impacts regarding concentration of criteria pollutants at El Tejon Middle School. Draft EIR at 4.3-108 to 4.3-113, 4.3-122 to 4.3-127. Although concentrations of PM$_{2.5}$ and PM$_{10}$ will exceed the National Ambient Air Quality Standards and California Ambient Air Quality Standards, these standards are already exceeded in the background concentrations. The incremental contribution of PM from the Project does not represent a significant impact.

In addition, the Draft EIR includes a thorough analysis of the Project's potential toxic air contaminant (TAC) impacts on sensitive receptors in the Project vicinity. Draft EIR at 4.3-140 to 4.3-147. The detailed analysis is included as Appendix D-6 to the Draft EIR. These analyses accounted for both construction and operational emissions of the above pollutants as well as exposure due to diesel particulate matter (DPM) for the Project’s impact on traffic on I-5, as required by the SJVAPCD. In this analysis, El Tejon Middle School was recognized as the closest sensitive receptor to potential sources of TACs and was, therefore, analyzed in depth. Construction impacts were modeled using receptors along the boundaries of the active construction areas and at El Tejon School. Draft EIR at 4.3-195; Appendix D5, page 11; Appendix D6, page 8. Analyses of exposure levels of sensitive receptors to carbon monoxide, DPM, and TACs showed that exposure levels were well below the target levels for all three types of pollutants. Draft EIR at 4.3-138 to 4.3-147.

Response 15 H.

Commentor asks for clarification of the mitigation requirements with respect to noise, dust and traffic resulting from construction that will effect School District facilities. The Draft EIR includes a variety of mitigation measures to reduce noise impacts associated with Project construction, including limitation on hours of construction, noise-reducing requirements for construction activities, consolidation of noisy operations, establishment and enforcement of speed limits during construction, limitation on use of noise-producing signals, design of public address system to minimize "spillover" noise, and restrictions on music or electronically-reproduced speech during construction. Draft EIR at 4.11-20. All construction noise impacts would be less than significant with mitigation.

With respect to dust, the Project includes a detailed Dust Control Plan, as well as a variety of other commitments that will reduce the Project's construction impacts, including compliance with all SJVAPCD fugitive dust rules, promotion of the use of alternative fuel technologies for construction vehicles, and requirements regarding construction material selection and disposal. Draft EIR at 4.3-113 to 4.3-118. In addition, Mitigation Measure 4.3-1 requires that construction emissions of NOx and PM$_{10}$ do not exceed 2 tons per year. The Project applicant has also committed to fully offset its NOx, ROG and PM emissions within the San Joaquin Valley Basin through entering a Voluntary Emissions Reduction Agreement with the SJVAPCD. After imposition of mitigation measures, the Project's PM impacts will be less than significant. Draft EIR at 4.3-118. Thus, dust impacts from Project construction will be appropriately mitigated. In addition, Mitigation Measures 4.3-15 has been revised as follows to limit construction activity occurring within 1,500 feet of a school, and to ensure that ETUSD is notified of, and provided with the opportunity to comment upon, construction activity that may effect its facilities. A radius of 1,500 has been selected because of the tendency of TACs to rapidly disperse beyond this distance. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Mitigation Measure 4.3-15: Construction activities within 1,500 feet of any school will be limited to after-school hours, weekends, or times when the school is not occupied unless a written agreement is provided from the school district allowing for other hours.

At least 14 days prior to the commencement of any construction activity that would take place within 1,500 feet of El Tejon Middle School, the Project applicant shall provide for El Tejon Unified School
District's review and comment on a Construction Operations Plan that identifies the activities to be undertaken, the type of equipment to be used, and the scheduled hours of use for each type of equipment.

A setback area of 300 feet from areas with more than one potential source of TACs shall be required for all residential structures. A setback area of 500 feet from Interstate 5 shall be required for all sensitive land uses.

Project construction will result in the use of Interstate 5 by construction equipment that could affect School District facilities if the Rising Canyon access point is utilized by this equipment. In order to minimize the effect that traffic that may result from construction operations would have on School District facilities, Mitigation Measure 4.3-4 has been revised as follows. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

**Mitigation Measure 4.3-4:** Tejon Mountain Village shall affirmatively promote the use of alternative fuel technologies for construction vehicles by including language in construction bid specifications and weighting the use of alternative fuel technologies in the selection of construction contractors. During all grading and construction activities, the following requirements shall be imposed on construction equipment:

a. Tier 2 or Tier 3 engines shall be used on all equipment;
b. Engines on all off-road construction equipment must be no more than 10 years old or have equivalent emissions of an engine 10 years old or newer. This measure excludes water trucks;
c. Diesel particulate filters shall be required on many pieces of equipment;
d. Diesel oxidation catalysts shall be required on all equipment;
e. Global positioning systems shall be used to guide grading equipment.
f. All diesel-fueled engines used in construction and grading shall have clearly visible tags issued by the

As feasible, Lake Drive will be utilized by construction equipment accessing the Project site. Should use of the Rising Canyon access point be necessary via the Fort Tejon interchange at Interstate 5, the Project applicant will prepare, and shall provide to ETUSD for review and comment, a Construction Traffic Control Plan that identifies the safety measures that will be utilized to minimize interference with the students and faculty of El Tejon school. Safety measures may include flag persons, traffic cones, limited hours of operation, etc.

**Response 15 I.**

The commentor stated that there are areas of concern that are not fully addressed in the Draft EIR. They state that further assessment of water flow, water quality and flooding impacts of the development on ETUSD facilities and operations is needed.

The Draft EIR describes comprehensive analyses of potential Project impacts on drainage patterns, water quality, and flooding for on site and off site locations, which would include any potentially affected ETUSD facilities (refer to Section 4.8, HYDROLOGY AND WATER QUALITY).
The Project’s potential surface water quality impacts are discussed on pages 4.8-22 through 4.8-47 in the Draft EIR. Pollutants of concern for the Project were identified based on consideration of water quality objectives in the Basin Plan and California Toxics Rule, existing water quality in the Project receiving waters, the types of pollutants that are expected to be generated by the Project, and other factors (refer to pages 4.8-22 and 4.8-23 in the Draft EIR). Mitigation Measures 4.8-1 through 4.8-37 will be implemented to address the Project’s potential surface water quality impacts (refer to pages 4.8-38 through 4.8-47 in the Draft EIR). Quantitative and qualitative analyses were conducted to assess the Project’s short term (construction related) and long term (operation related) impacts on the identified pollutants of concern. These analyses addressed exiting conditions and proposed Project conditions with and without mitigation measures (refer to pages 4.8-23 through 4.8-38 and Appendix I-1 in the Draft EIR). The Project’s potential surface water quality impacts would be less than significant after the implementation of mitigation measures.

The Project’s potential impacts on groundwater supplies are discussed on pages 4.8-47 and 4.8-48 of the Draft EIR. No groundwater will be used for Project construction or for the Project’s potable and nonpotable water supply. The Project’s potential impacts on groundwater supply will be less than significant after implementation of Mitigation Measure 4.8-38. Similarly, the Project’s potential impacts on groundwater quality are discussed on pages 4.8-58 through 4.8-60 in the Draft EIR. Mitigation Measure 4.8-44 requires monitoring to assess if the Project is adversely affecting groundwater quality and whether additional treatment is needed. Mitigation Measure 4.8-45 requires that recycled water that is used for irrigation supply will meet all water quality treatment standards under Title 22 of the California Code Regulations. The Project’s potential impacts on groundwater quality were found to be less than significant after implementation of Mitigation Measures 4.8-44 and 4.8-45.

The Project’s potential impacts on drainage patterns and the potential to cause substantial erosion/siltation are discussed on pages 4.8-48 through 4.8-53 in the Draft EIR. Quantitative analyses of erosion potential and sediment supply were conducted and hydrological conditions of concern were assessed for drainages in the Project area. Mitigation Measures 4.8-25 through 4.8-28, 4.8-39, and 4.8-40 are intended to result in the matching of pre- and post-development flow duration and erosion potential. These measures specify the design and construction of hydromodification control facilities, low impact development practices that stress on-site retention, proper design and construction of drainage and erosion control structures in compliance with Kern County drainage development standards, hydrological monitoring, and adaptive management. The Project’s potential impacts on short and long-term impacts on drainage patterns and erosion potential were found to be less than significant after implementation of mitigation measures.

The Project’s potential impacts on increased flooding on site or off site are discussed on pages 4.8-53 through 4.8-57 in the Draft EIR. Quantitative analyses of peak 100-year storm flows were conducted and are summarized on page 4.8-56 of the Draft EIR and are discussed in detail in Appendix I-2 of the Draft EIR. Mitigation Measures 4.8-41 and 4.8-42 specify construction of flood control berms and engineered embankments in areas subject to 100-year flood risks. The Project’s potential impacts on flooding were found to be less than significant after implementation of mitigation measures. Please also refer to Global Response 7.5.1 for further discussion of Castac Lake.

**Response 15 J.**

The commentor has requested additional information on instructional opportunities for ETUSD students within Tejon Mountain Village, including occupational training opportunities in conjunction with the commercial development, access to conservancy areas and the possibility of a relationship between the nature and wild life conservancy and the school.
As a resort community, there will be many opportunities for older students to be trained and employed, including but not limited to: hotel management, club management, golf course operations, open space management, retail and restaurant operations.

Members of the general public, including the school age population, will have access to the open space lands that are managed by the Tejon Ranch Conservancy. The Conservancy has already begun a series of docent lead hikes on Tejon Ranch which are aimed at providing both recreational and educational opportunities for the general public. Student hikes may be arranged through the Conservancy and will be lead by trained docents. See Tejon Ranch Conservancy 2009.

Tejon Mountain Village has committed to working with El Tejon Middle School science program. The first such program is to educate students on the preservation of oak trees on the property. Other opportunities, such as participating in the Conservancy’s Citizen Science Program, will help to teach children about the important ecosystems on the ranch and will provide them with an opportunity to learn about the diversity of flora and fauna on the conserved lands.

Response 15 K.

The commentor requests further assessment of fire risk due to construction on ETUSD facilities and associated mitigation. The Project’s Fire Protection Plan details restrictions that will be in place during construction periods. In summary, there will be fire protection requirements for:

- Fuel management at commencement and throughout the construction phase
- Fuel reduction (fuel breaks) prior to import of flammable construction materials
- Precautions for temporary electrical lines and poles
- Precautions for spark or ember-producing equipment
- On-site fire suppression equipment
- Fire extinguishers
- Shovels and hand tools
- Water tanker
- No smoking on site or only in designated areas
- Additional restrictions during Red Flag Warning periods
- Timed provisions for new Fire Stations and resources on site.

Through the combined fuel reduction requirements, fire protection restrictions, and improved fire-fighting capabilities on site, the potential increased ignition possibility and the possibility that wildfire will affect ETUSD during construction is mitigated to less than significant.

As an additional layer of protection, it is recommended that the ETUSD facilities are provided adequate fuel modification areas where they abut wildland or unmaintained vegetation. Kern County Fire Department can provide a detailed summary of the 100-foot fuel modification area required by state law.
Comment Letter 16

July 9, 2009

Craig Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Re: Tejon Mountain Village Specific and Community Plan

Dear Mr. Murphy:

The Kern County Water Agency (Agency) would like to thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village Specific and Community Plan. The Agency has reviewed the DEIR and has no comments.

If you have any other questions, please contact Curtis Creel of my staff at (661) 634-1400.

Sincerely,

[Signature]

James M. Beck
General Manager

Mailing Address
P.O. Box 58
Bakersfield, CA 93302-0058

Street Address
3200 Rafa Mirada Dr.
Bakersfield, CA 93308
Comment Letter 16. Kern County Water Agency (July 9, 2009)

Response 16 A.

Thank you for your comment. This comment states that the Kern County Water Agency (KCWA) has reviewed the proposed Project and has no comments on the Draft EIR or the Tejon Mountain Village Specific and Community Plan. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 17

13 July 2009

Mr. Craig Murphy
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93243

DRAFT ENVIRONMENTAL IMPACT REPORT, TEJON MOUNTAIN VILLAGE PROJECT, KERN COUNTY, SCH#2005101018

Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff reviewed the Water Quality section of the Draft Environmental Impact Report (draft EIR) for the proposed Tejon Mountain Village development, a project sited on more than 26,000 acres east of Interstate 5 and the community of Lebec, approximately 40 miles south of Bakersfield in Kern County. The project would include 3,450 residences, up to 160,000 square feet of commercial development, up to 750 vacation lodging units, two 18-hole golf courses, and up to 350,000 square feet of support facilities. The Tejon-Castac Water District would provide water and sewer services for the development.

The project description in the draft EIR mentions interim and permanent water and wastewater treatment facilities. However, the draft EIR does not provide any details for interim facilities.

The draft EIR describes a permanent, onsite wastewater treatment facility with fine screening, flow measurement, influent flow equalization, tertiary treatment with membrane bioreactors, ultraviolet disinfection, waste sludge dewatering, and sludge stabilization and drying in engineered greenhouses. The membrane bioreactors would provide nitrogen removal to a concentration of 10 mg/L or lower by means of an activated sludge nitrification/denitrification process. Treated effluent would be stored in about 60 acres of onsite ponds during wet months until it can be used for irrigation.

The two planned 18-hole golf courses would use a significant portion of the recycled water generated by the project. The final EIR should include a contingency plan that describes the impacts to water quality associated with alternative use or disposal of the wastewater treatment facility effluent in the event that one or both golf courses shut down or cannot receive effluent.
Comment Letter 17, Cont.

The draft EIR indicates that at full buildout, the project would utilize approximately 800 acre-feet of water per year to irrigate the golf course and other landscaped areas. A rough estimate of expected wastewater generation from the project suggests more than 1,000 acre-feet per year of effluent would be available for reuse. Consistent with policy of the State and Regional Water Boards, reclamation of the effluent for beneficial reuse needs to be maximized to the extent feasible.

As recognized in the EIR, the project's wastewater discharges are subject to Central Valley Water Board regulation. At least 140 days prior to initiating discharge, the applicant must submit a Report of Waste Discharge (RWD) to this office in support of any waste discharge pursuant to California Water Code Section 13280. The RWD must contain sufficient information in this regard for staff to evaluate the discharge's threat to water quality and whether the discharge reflects best practicable treatment or control. The applicant can contact this office for information on how to complete a RWD.

The draft EIR indicates that there may be groundwater quality degradation due to the salinity of the recycled water. Because of the time delay associated with infiltration and groundwater flow, monitoring groundwater (as described in Mitigation Measure 4.8-44) is not an appropriate mitigation measure for potential degradation. Groundwater monitoring should serve to demonstrate whether the use of recycled water is protective in the long term.

The final EIR needs to provide sufficient information to evaluate the potential impact to water quality of the project, including impacts from wastewater treatment facility effluent discharges and stormwater management practices. State Water Resources Control Board Resolution No. 68-18, Statement of Policy with Respect to Maintaining High Quality of Waters in California (Antidegradation Policy) prohibits degradation of receiving water (including groundwater) unless certain conditions have been met.

In addressing the Antidegradation Policy, the final EIR should specifically include:

1. An assessment of the extent to which the project is expected to degrade groundwater based on wastewater treatment facility effluent quality and groundwater quality underlying the reclamation areas.

2. For each constituent for which degradation is expected, a description of how the degradation will be consistent with the maximum benefit of the people of the State.

3. A comparison of predicted concentrations of waste constituents in groundwater to water quality objectives (e.g. Maximum Contaminant Levels for drinking water). The final EIR needs to document that beneficial uses of groundwater in the area will be protected despite any degradation caused by the project.

4. A description of how the project will employ best practicable treatment or control of constituents of concern in discharges associated with the project that will degrade groundwater.

Best Management Practices (BMPs) for stormwater management are planned to reduce stormwater-related water quality impacts to surface water in these watersheds. The project would generally result in an increase in stormwater flow, with an increased concentration of metals and a decreased concentration of total solids compared to the no project alternative.
Comment Letter 17, Cont.

The final EIR should address the impact from the change in stormwater volume and quality on both surface waters and groundwater.

The Notice of Preparation included Castac Lake as part of the project. The project site surrounds Castac Lake, but the draft EIR specifically excludes the lake as part of the project. A significant portion of the project drains to Castac Lake. The final EIR needs to fully evaluate impacts from the project on Castac Lake and Grapevine Creek. The draft EIR states that the Tejon Ranch Company has managed the lake to maintain a consistent shoreline since about 2001 and a lake aeration system in the northeastern portion of Castac Lake controls the lake’s oxygen levels. The lake level has reportedly been maintained by groundwater pumping. The decreased storage capacity associated with maintaining the lake surface elevation combined with increased runoff from impermeable surfaces, synchronized tributary flow peaks, and other development-related stormwater issues increase the flooding potential of the basin. Groundwater pumping to unnaturally maintain the lake level may adversely affect groundwater quality and Grapevine Creek. The final EIR should address potential groundwater and surface water quality impacts, particularly downstream of the lake, resulting from maintenance of the lake shoreline, lake aeration, and any other significant lake management practices.

Mitigation Measure 4.8-31 states in relevant part:

Prior to the initiation of grading, the project shall request and receive written confirmation from the Tejon Ranch Company that swimming or other contact recreational activity shall be permanently prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the project and that are owned by the Tejon Ranch Company. The project area Geologic Hazard Abatement District...with water quality management and compliance responsibilities shall post signs and provide educational materials to project residents and guests prohibiting contact with flowing waters in on-site drainages during and following storm events to prevent pathogen exposure.

An articulated goal of the federal Clean Water Act is that waterbodies should achieve sufficient water quality to provide, “for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water...” This goal is advanced by setting designated uses (known as “beneficial uses” in California) for waterbodies, and then developing water quality standards to protect these uses. Castac Lake and its tributaries are waters of the U.S., and Castac Lake, its tributaries, and Grapevine Creek are also waters of the State. These waterbodies are “westside streams” as defined by the Water Quality Control Plan for the Tulare Lake Basin, Second Edition (Revised in 2004) (Basin Plan), and the beneficial uses of these waters are designated as agricultural supply, industrial service supply, industrial process supply, hydropower generation, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, rare, threatened, or endangered species, and groundwater recharge. These uses are designated as such because the water in these waterbodies was of sufficient quality to achieve these uses on the date when the amendments to the federal Clean Water Act took effect (November 28, 1975). These uses are existing uses that must be protected under federal and State law. Proscription of uses, as described in Mitigation Measure 4.8-31, is not protective of the uses. The draft EIR should include mitigation measures that ensure project activities do not adversely impact any of the...
Comment Letter 17, Cont.

designated beneficial uses of Castac Lake, its tributaries, and Grapevine Creek. Mitigation Measure 4.8-31 should be revised accordingly or deleted.

Thank you for the opportunity to comment on this proposed project. If you have any questions regarding this matter, please contact Steve Popence at (559) 444-2418.

LONNIE M. WASS
Supervising Engineer
RCE No. 38917

cc: State Clearinghouse, Sacramento
Comment Letter 17, Cont.

TO: Craig Murphy (661) 862-8601
Kern County Planning

FROM: Steve Popene

RE: Comments on Draft Environmental Impact Report
Tejon Mountain Village Project (SCH#2008101018)

Pages including cover: 5

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COMMENTS:

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Comment Letter 17. California Regional Water Quality Control Board (July 13, 2009)

Response 17 A.

Thank you for your comment. The comment from the Regional Water Quality Control Board, Central Valley Region (RWQCB) states that RWQCB has reviewed the Water Quality section of the Draft EIR, and accurately describes the proposed Project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 17 B.

The commentor stated that while the Draft EIR mentioned interim and permanent water and wastewater treatment facilities, the Draft EIR did not provide any details for interim facilities. Please refer to Response to Comment 6-K which discusses planned water treatment and wastewater treatment facilities, including interim facilities.

Section 4.16.4 of the Draft EIR describes planned water facilities, and planned wastewater treatment facilities are discussed in Section 4.16.4 of the Draft EIR and in further detail in Appendix N2, Water Reuse Plan of the Draft EIR. When the Draft EIR Project description mentioned interim and permanent water and wastewater facilities, the text was meant to indicate that infrastructure will be constructed in phases to match the progress of development.

Response 17 C.

The commentor summarized the wastewater treatment and effluent storage facilities and the anticipated effluent nitrogen concentration. A detailed description of the wastewater treatment facility is provided in Appendix N2, Water Reuse Plan. Comment 17-C accurately summarizes these facilities.

Response 17 D.

The commentor stated that the final EIR should include a contingency plan that describes the impacts to water quality associated with alternative use or disposal of the wastewater effluent in the event that the golf courses are shut down or cannot receive effluent. Consistent with the State and Regional Board’s policy encouraging the use of reclaimed water, the Project is planning on seasonally storing and reclaiming all the water for beneficial reuse (as described in Appendix N2, Water Reuse Plan). The effluent produced by the Project's Water Reclamation Facility (WRF) will be used for irrigation of common area landscaping and golf courses. The effluent will be stored in effluent storage ponds during the wet months and used for irrigation during the dry months. Based on a water balance analysis (included in Appendix A to Appendix N2, Water Reuse Plan), it has been determined that these ponds will have enough capacity to accommodate the ultimate effluent produced by the WRF including the rainfall collected over their surface areas during a 100-year rainfall condition. The 100-year rainfall condition is the design criteria used by the Regional Board for storage of municipal effluent.

It is not clear whether Comment 17-D is meant to question impacts in the event of a temporary or permanent shut down of the golf course. If the golf course were shut down temporarily, since water balance analysis has been designed based on the worst-case 100-year rainfall scenario, the storage facilities would be able to handle a temporary shut down. If the golf courses were shut down permanently, the TCWD would still be responsible for operating that area as “turf” that is irrigated with reclaimed...
water. Shutdown of the golf course is not reasonably foreseeable, nor is it possible to anticipate other uses that might replace the golf course if it were to permanently shut down. However, reclaimed water would continue to be used for common area landscaping and related non-potable uses.

Response 17 E.

The commentor stated that the Draft EIR indicates that the Project will utilize approximately 800 acre-feet of water per year to irrigate the golf courses and other landscaped areas, but that 1,000 acre-feet of effluent will be available for reuse. The comment also noted that reclamation of effluent for beneficial reuse needs to be maximized to the extent feasible. Section 7.1 of Appendix N2, Water Reuse Plan notes that effluent reclamation is encouraged by the both the California Water Code and the Basin Plan of the California Regional Water Quality Control Board (Regional Board) and that the proposed Project will be in concert with State objectives regarding wastewater treatment and disposal.

Further, Section 7.2 of Appendix N2, Water Reuse Plan provides calculations that estimate the quantity of effluent that will be produced at full-buildout of the Project and during 100-year rainfall years. Inflow totals 335 Mgal (which is approximately equal to 1,000 acre-feet) per year, consistent with the estimate provided in Comment 17-E. However, an estimated 49 Mgal will be lost to evaporation. The remaining 286 Mgal (which is approximately equal to 800 acre-feet) will be used for reclamation, consistent with the statements in the Draft EIR that the Project will utilized 800 acre-feet of water to irrigate the golf course and other landscaped areas. This use of reclaimed water is consistent with the State and Regional Board policies encouraging reclamation of effluent for beneficial reuse.

Response 17 F.

Commentor notes that the Project's wastewater discharges are subject to RWQCB regulation, and that at least 140 days before initiating discharge, the applicant must submit a Report of Waste Discharge (RWD) to the RWQCB in support of any waste discharge pursuant to California Water Code Section 13260. The comment states that the RWD must contain sufficient information for staff to evaluate the discharge's threat to water quality and whether the discharge reflects best practicable treatment or control. The comment notes that the applicant can contact the RWQCB for information on how to complete a RWD. Thank you for your comment. It will be noted and included in the public record and provided to the Planning Commission and Board of Supervisors. The applicant will comply with all applicable water quality laws and regulations.

Response 17 G.

The commentor stated that because of the time delay associated with infiltration and groundwater flow, monitoring groundwater (as described in Mitigation Measure 4.8-44) is not an appropriate mitigation measure for potential degradation.

In responses, Mitigation Measures 4.8-44 and 4.8-45 have been revised to more precisely define the BMPs that will be implemented to ensure proper reclamation water salinity and to thereafter ensure that monitoring will serve to demonstrate the long term effects of recycled water use. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarifications.

Page 4.8-60

Mitigation Measures

Mitigation Measure 4.8-44: To reduce the potential for recycled water to adversely affect groundwater quality through reclamation, salinity BMPs will be implemented prior to wastewater generation. BMPs
are primarily in the form of a) banning self regenerating water softeners; b) regulating the discharge of salt swimming pools into the sewer system; and c) public education related to the use of garbage disposals and types of detergents that tend to increase wastewater salinity. Salinity BMPs shall be included in the Tejon Mountain Village Specific Plan, and will be applicable to all private residences, commercial areas, or other privately owned or managed facilities within the Project. Recycled water will be blended with raw water prior to application to golf course land to reduce salinity concentrations in recycled water. Groundwater salinity and electrical conductivity levels within the California Department of Water Resources (DWR) Basin 5-29 shall be monitored to determine if recycled water use is adversely affecting groundwater quality and whether additional salinity treatment processes should be incorporated into the reclaimed water treatment process.

Mitigation Measure 4.8-45: Groundwater salinity and electrical conductivity levels within the California Department of Water Resources (DWR) Basin 5-29 shall be monitored to determine if recycled water use is adversely affecting groundwater quality and whether additional salinity treatment processes should be incorporated into the reclaimed water treatment process. In addition, salinity and electrical conductivity levels in the raw water, wastewater influent, treated wastewater effluent, and effluent storage basin will also be monitored to determine the potential for recycled water use to adversely affect groundwater quality. The wastewater treatment facility operator shall ensure that, at all times, recycled water used within the project area shall be treated to the tertiary treatment standard under Title 22 of the California Code of Regulations, which allows for unrestricted outdoor irrigation use of recycled water supplies.

Response 17 H.

Commentor states that the Final EIR needs to provide sufficient information to evaluate the potential water quality impacts of the Project, including impacts from wastewater treatment facility effluent discharges and stormwater management practices. Water quality impacts associated with the Project were thoroughly analyzed in Section 4.8 of the Draft EIR and in its supporting appendices (Appendices I-1, I-2). Impacts relating to the wastewater treatment facility were thoroughly analyzed in Sections 4.8 and 4.16 of the Draft EIR, and in Appendices I-1, I-2, N-2 and N-4. Stormwater management practices were thoroughly discussed in Section 4.8 and Appendix I-1. The Draft EIR concludes that with implementation of mitigation measures related to water quality, wastewater treatment facilities and stormwater management, any Project-related impacts to water quality will be mitigated to a less than significant level.

Response 17 I.

Commentor notes that State Water Resources Control Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California, prohibits degradation of receiving water (including groundwater) unless certain conditions have been met. Comment noted. State Water Resources Control Board Resolution No. 68-16 was specifically discussed in Draft EIR Appendix I-1 at Section 3.4.3. SWRCB 1968.

Response 17 J.

The commentor noted that the final EIR should include an analysis consistent with the SWRCB’s Antidegradation Policy (Resolution 68-16), specifically the extent to which the Project is expected to degrade groundwater based on wastewater treatment facility effluent quality and groundwater quality underlying the reclamation areas.
State Water Resources Control Board Resolution No. 68-16 was specifically discussed in Draft EIR Appendix I-1 at Section 3.4.3. SWRCB 1968. The Draft EIR thoroughly analyzes the environmental setting regarding groundwater hydrology and water quality, as well as any Project-related impacts based on wastewater treatment facility effluent quality and groundwater quality underlying the reclamation areas. Draft EIR at Section 4.8, HYDROLOGY AND WATER QUALITY; Appendix I-1; Appendix N-2.

In discussing groundwater impacts, the Draft EIR provides that the surface water constituents that could affect groundwater quality to the greatest extent are nitrate and TDS. Draft EIR at 4.8-58. The Basin Plan designates Basin 5-29 for drinking water use and identifies the California drinking water MCL of 10 mg/L for nitrate and 500 mg/L for TDS as the applicable quality standards for the basin. Project runoff would contain substantially lower concentrations of these constituents under post-construction with mitigation conditions as shown in Draft EIR Tables 4.8.10 and 4.8.11. Accordingly the Draft EIR concluded that the Project's potential impacts on groundwater from runoff percolation would be less than significant.

In discussing recycled water, the Draft EIR identifies the extent to which the Project's recycled water would exceed nitrogen and TDS levels and concluded that nitrogen content of the Project's water would meet or exceed Basin Plan standards and would not significantly increase the total TDS levels. Draft EIR at 4.8-59. The implementation of mitigation measures in Section 4.8 will ensure that the WRF will be designed to remove constituents to below applicable water quality objectives. Further, please refer to the Response to Comment 17-G, above, which describes a revision to Mitigation Measure 4.8-44 and 4.8-45 to more precisely define the BMPs that will be implemented to ensure proper reclamation water salinity and to thereafter ensure that monitoring will serve to demonstrate the long term effects of recycled water.

Response 17 K.

The commentor noted that the Final EIR should include an analysis consistent with the SWRCB’s Antidegradation Policy (Resolution 68-16), specifically a description of how degradation will be consistent with the maximum benefit of the people of the State.

Draft EIR Section 4.8-1 explains how potential surface water quality impacts were evaluated by identifying Pollutants of Concern (POCs) that could be generated by the Project by considering applicable Basin Plan beneficial uses and water quality objectives, existing water quality objectives and other factors. The analysis and mitigation measures adopted in Section 4.8, HYDROLOGY AND WATER QUALITY, ensure that impacts will be consistent with the maximum benefit of the people of the State.

Response 17 L.

The commentor noted that the Final EIR should include an analysis consistent with the SWRCB’s Antidegradation Policy (Resolution 68-16), specifically a comparison of predicted concentrations of waste constituents in groundwater to water quality objectives.

Please refer to the Response to Comment 17-J, which discussed applicable water quality objectives from the Basin Plan and the extent to which the Project lowers concentrations of constituents under post-construction with mitigation conditions.

Response 17 M.

Commentor states that the final EIR needs to document that beneficial uses of groundwater in the area will be protected despite any degradation caused by the Project. The Draft EIR thoroughly analyzes the environmental setting regarding groundwater hydrology and water quality (Draft EIR at Section 4.8,
HYDROLOGY & WATER QUALITY; Appendix I-1), as well as any Project-related impacts to groundwater and groundwater beneficial uses. As discussed in Section 4.8, the implementation of the Section 4.8 mitigation measures will ensure that the Project will not adversely affect groundwater beneficial uses. Draft EIR Section 4.8, HYDROLOGY & WATER QUALITY, Appendix I-1.

Response 17 N.

The commentor noted that the Final EIR should include an analysis consistent with the SWRCB’s Antidegradation Policy (Resolution 68-16), specifically a description of how the Project will employ best practicable treatment or control of constituents of concern in Project discharges that will degrade groundwater.

Please refer to the Response to Comment 17-J, which discussed applicable water quality objectives from the Basin Plan and the extent to which the Project lowers concentrations constituents under post-construction with mitigation conditions. Mitigation measures adopted in Section 4.8, HYDROLOGY AND WATER, employ best practicable treatment and control of constituents of concern in Project discharges.

Response 17 O.

Commentor notes that Best Management Practices (BMPs) for stormwater management are planned to reduce stormwater-related water quality impacts to surface water in these watersheds. Commentor states that the Project would generally result in an increase in stormwater flow, with an increased concentration of metals and a decreased concentration of total solids compared to the No Project Alternative.

The Draft EIR, including the Water Quality and Hydromodification Technical Report, presents a comprehensive analyses of potential Project impacts on water quality and hydromodification to surface receiving waters (refer to Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY and Technical Appendix A-1).

The Project includes numerous site design, source control, and structural treatment Best Management Practices (BMPs), including extensive use of Low Impact Development (LID) concepts. The Project stormwater BMPs comprise Mitigation Measure 4.8-1 through 4.8-40 in the Draft EIR. Further description of the BMPs is found in Section 6 of Appendix I-1 in the Draft EIR.

The Project stormwater BMPs were selected to provide a high level of effectiveness for controlling post-development runoff volumes and reducing the levels of the pollutants of concern. Stormwater treatment and volume control BMPs will be implemented for all Project development areas. On-site bioretention controls will be used for the vast majority of the Project. Swales and filter strips are selected for treatment of all roadways as feasible and alternative approaches such a collection and treatment in sub-regional retention basins will be used for roadway sections with topographic constraints. Regional flow-duration basins are proposed to treat runoff from a small number of denser development areas where on-site bioretention controls are difficult to implement. Vegetated stormwater detention basins will be limited to the Castac Lake watershed where there is a low risk of hydromodification.

A detailed hydromodification analysis and control plan was prepared for the Project. The hydromodification analyses are described in Appendix D to the Technical Water Quality Report that comprises Appendix A-1 of the Draft EIR. Quantitative analyses were conducted to size BMPs such that discharges will be consistent with pre-development flow durations in the receiving streams. This analysis considered the sensitivity and hydrologic conditions of individual receiving streams, including potential hydromodification impact caused by the reduction of sediment supply. An outcome of the sizing analysis
is BMP sizing nomographs based on local watershed characteristics including soil properties and sediment supply. The resulting BMPs will be sized to provide well over 90 percent volume capture. When properly designed and maintained, the BMPs will ensure that pre- and post-development flow durations will be similar.

The effectiveness of the Project BMPs for controlling runoff volumes, metals, and total solids was assessed quantitatively. With mitigation, average runoff volumes from the total Project site are estimated to increase by less than 10 percent over existing conditions (refer to pages 4.8-31 through 4.8-32 and Section 9.1.1 of Appendix A-1 in the Draft EIR). The estimated average runoff volumes are virtually unchanged (slight increase) in four of five major watersheds. Most of the estimated increase in runoff volume would occur in the Castac Lake watershed due to the use of traditional water quality basins in areas with a low risk of hydromodification. This is by design as treated discharges from the basins are expected to have higher water quality than the water quality identified in the lake.

The sediment levels in Project streams are quite variable when they are flowing due to storm runoff. Quantitative analyses suggest post-development total suspended sediment (TSS) loadings would fall by approximately 10 percent in comparison to existing conditions (refer to pages 4.8-32 through 4.8-33 and Section 9.1.2 of Appendix A-1 in the Draft EIR). Most of the decrease would occur in the Castac lake watershed, which is considered a water quality benefit for the lake. The Basin Plan narrative standard for TSS would be met because the Project would not significantly modify existing TSS levels or adversely affect designated beneficial uses.

The quantitative analyses predict the mean annual concentration of dissolved copper and total lead would remain unchanged or increase slightly compared with existing conditions. Mean annual concentrations of total zinc are estimated to decrease slightly compared with existing conditions (refer to pages 4.8-35 through 4.8-36 and Section 9.1.5 of Appendix A-1 in the Draft EIR). All annual mean concentrations of these constituents are estimated to remain well below the California Toxics Rule acute criteria. Together with the other analysis and planned source control BMPs (for example no use of exposed zinc or copper building products- Mitigation Measure 4.8-35) in the Draft EIR, the Project would not cause or contribute to an exceedance of water quality criteria for metals.

In fact, as discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY the Project would result in improved water quality in the Castac Lake watershed for several water quality parameters:

- **Total suspended solids (TSS):** Mean annual TSS concentrations in runoff to Castac Lake would decrease substantially. Draft EIR, Table 4.8-10.
- **Nutrients:** Phosphorus, ammonia and total nitrogen concentrations in runoff to Castac Lake would all decrease. Draft EIR, Table 4.8-11.
- **Total dissolved solids (TDS):** Substantial TDS reductions would occur in runoff to Castac Lake. Draft EIR, Table 4.8-12.
- **Metals:** Total zinc concentrations would decrease substantially in runoff to Castac Lake, total lead concentrations would be unchanged, and dissolved copper concentrations would increase slightly; all concentrations of these metals would be below the applicable CTR acute criteria. Draft EIR, Table 4.8-13.

Response 17 P.

Commentor states that the Final EIR should address the impact from the change in stormwater volume and quality on both surface waters and groundwater. The Draft EIR describes the following analyses that
were used to support evaluation of the Project impacts on changes in stormwater volume and quality in surface waters and groundwater:

- Long-term simulation of hydrologic processes (including snow accumulation) was conducted to support prediction of Project runoff volumes for pre- and post-development conditions, to develop flow duration curves for BMP sizing, and to estimate volume capture in the Project treatment BMPs. The model was calibrated with available data from the Cuddy Creek and Pastoria Creek Watersheds. Refer to Appendix B to the Technical Water Quality Report that comprises Appendix A-1 of the Draft EIR.

- Pollutant loading modeling was conducted for pollutants of concern with sufficient monitoring data to quantify EMCs. Data sources included on-site stormwater monitoring data that was collected specifically for the Project impact assessment, as well as regional monitoring data from the Los Angeles County Stormwater Program. The modeling also accounted for the expected effectiveness of treatment BMPs, based on data from the USEPA International BMP Monitoring Database. Refer to Appendix B to the Technical Water Quality Report that comprises Appendix A-1 of the Draft EIR.

- Pollutant loading modeling was used to support comparisons of pre- and post-development annual loads and average concentrations for the modeled pollutants of concern. Estimated average concentrations were compared to applicable water quality objectives including Basin Plan objectives and California Toxics Rule Criteria. Refer to pages 4.8-22 through 4.8-33 in the Draft EIR.

- Quantitative evaluation of erosion potential supported by field based geomorphologic assessments was conducted to assess Project related hydromodification impacts. Hydraulic and sediment transport modeling was conducted to evaluate changes in effective work done and sediment transport capacity. The erosion potential (Ep) is calculated by the ratio of effective work for post- and pre-development conditions. The erosion potential was compared to target Ep ratio that is protective of hydromodification and that accounts for impacts of sediment supply. Refer to Appendix C to the Technical Water Quality Report that comprises Appendix A-1 of the Draft EIR.

Where sufficient data was available, a detailed quantitative analysis was conducted to evaluate the pre- and post-development stormwater runoff volumes and pollutant loadings on a watershed basis. For those pollutants where there was insufficient data for modeling (primarily due to lack of data above detection limits in available land use data sets), there was a qualitative analysis. Finally the EIR included source, site planning and treatment BMPs that are designed to address the pollutants of concern for the Project.

The Project’s potential surface water quality impacts are discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Pollutants of concern for the Project were identified based on consideration of water quality objectives in the Basin Plan and California Toxics Rule, existing water quality in the Project receiving waters, the types of pollutants that are expected to be generated by the Project, and other factors (refer to pages 4.8-22 and 4.8-23 in the Draft EIR). Mitigation Measure 4.8-1 through 4.8-37 will be implemented to address the Project’s potential surface water quality impacts (refer pages 4.8-38 through 4.8-47 in the Draft EIR). Quantitative and qualitative analyses were conducted to assess the Project’s short term (construction related) and long term (operation related) impacts on the identified pollutants of concern. These analyses addressed exiting conditions and proposed Project conditions with and without mitigation measures (refer to pages 4.8-23 through 4.8-38 and Appendix I-1 in the Draft EIR). The Project was evaluated for conformance with benchmark SUSMP requirements of
the Bakersfield MS4 Permit and Los Angeles County MS4 Permit and was found to meet or exceed the SUSMP requirements (refer to Section 9.3 of Appendix A-1 in the Draft EIR). The Project’s potential surface water quality impacts were found to be less than significant after the implementation of mitigation measures.

The Project’s potential impacts on groundwater supplies are discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. No groundwater will be used for Project construction or for the Project’s potable and nonpotable water supply. The Project’s potential impacts on groundwater supply will be less than significant after implementation of mitigation measure 4.8-38. Similarly, the Project’s potential impacts on groundwater quality are discussed on pages 4.8-58 through 4.8-60 in the Draft EIR. Mitigation measure 4.8-44 requires monitoring to assess if the Project is adversely affecting groundwater quality and whether additional mitigation is needed. Mitigation measure 4.8-45 requires that recycled water that is used for irrigation supply will meet all water quality treatment standards under Title 22 of the California Code Regulations. The Project’s potential impacts on groundwater quality were found to be less than significant after implementation of mitigation measure 4.8-44 and 4.8-45.

Response 17 Q.

Commentor notes that the Notice of Preparation included Castac Lake as part of the Project, but this is now excluded from the Project. Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other issues regarding the lake.

Response 17 R.

Commentor states that the Final EIR needs to fully evaluate impacts from the Project on Castac Lake and Grapevine Creek. The Project’s potential impacts on receiving waters, including Castac Lake and Grapevine Creek, are discussed in Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Please refer to Response 17-O and 17-P above regarding potential impacts to surface waters. The Project’s potential surface water quality impacts on Castac Lake and Grapevine Creek were fully evaluated in the Draft EIR and were found to be less than significant after the implementation of mitigation measures. Please see Long Term (Operations Related) Impacts analysis including Tables 4.8-4 and 4.8-9 (Stormwater Run-off Volumes), 4.8-5 and 4.8-10 (TSS Concentrations), 4.8-6 and 4.8-11 (Nutrient Concentrations), 4.8-7 and 4.8-12 (TDS Concentrations), and 4.8-8 and 4.8-13 (Metals Concentrations). The tables identify existing conditions and with post construction with mitigation results for all watersheds including specific entries for Castac Lake and Grapevine Creek. As shown in the foregoing tables in the Draft EIR, water quality would improve post-construction with mitigation for almost all of these parameters. The text in Draft EIR Section 4.8 Hydrology and Water Quality is supported by the Water Quality and Hydromodification Technical Report which is Appendix I-1 of the Draft EIR.

Response 17 S.

The commentor addresses concerns related to management of Castac Lake water levels by TRC. The commentor expresses concern that decreased storage capacity in the lake, combined with increased runoff from impermeable surfaces, synchronized tributary flow peaks and other development-related stormwater issues will result in increased risk of flooding in the basin. The commentor also suggests that pumping for lake level maintenance may adversely affect groundwater quality and Grapevine Creek.

Please refer to Global Response 7.5.1, Castac Lake, which explains that Tejon Ranch Company has conducted lake management activities in the past, and to Appendix I-3, which includes a discussion on the
topic of past flooding associated with lake water level maintenance by TRC. Since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project.

In addition, please see response 12-H, which addresses concerns regarding water levels of Castac Lake.

Although lake level maintenance is not part of the Project, regardless, the groundwater quality in the groundwater basin should not be negatively impacted by TRC’s active lake management practices, as those practices involve addition of groundwater already in the basin to the lake and therefore do not increase the quantity or add any new constituents (e.g., salts) to the groundwater basin.

Response 17 T.

The commentor states that the Final EIR should address potential groundwater and surface water quality impacts, particularly downgradient from the lake, resulting from significant lake management practices.

Please refer to Global Response 7.5.1, Castac Lake, which explains that Tejon Ranch Company has conducted lake management activities in the past and that since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project.

Response 17 U.

The comment accurately quotes from Mitigation Measure 4.8-31 (except that the correct quoted language should read "...with water quality facility management and compliance responsibilities.") This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

For clarification purposes, Mitigation Measure 4.8-31 will be revised as follows. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarifications.

Mitigation Measure 4.8-31: Prior to the initiation of grading, the project shall request and receive written confirmation from the Tejon Ranch Company that swimming or other contact recreational activity shall be permanently prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the project and that are owned by the Tejon Ranch Company. Tejon Mountain Village residents and guests shall not have any access rights to engage in contact or non-contact uses on Castac Lake. The project area Geologic Hazard Abatement District (GHAD), homeowners association (HOA), or a similar entity that may be approved by the Kern County Administrative Office, in consultation with the Kern County Planning Department and Environmental Health Services Department, with water quality facility management and compliance responsibilities shall post signs and provide educational materials to project residents and guests prohibiting contact with flowing waters in on-site drainages during and following storm events to prevent potential pathogen exposure.

Response 17 V.

The comment accurately quotes from Title 33 U.S.C. Section 1251(2), which is the Congressional declaration of goals and policies for the Federal Clean Water Act. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 17 W.

Commentor states that the goal of Clean Water Act that waterbodies should achieve sufficient water quality to provide "for the protection and propagation of fish, shellfish and wildlife and … for recreation in and on the water…” is advanced by setting designated uses (known as "beneficial uses" in California) for waterbodies, and then developing water quality standards to protect those uses. Comment noted.

Response 17 X.

Commentor states that Castac Lake and its tributaries are waters of the U.S. and that Castac Lake, its tributaries and Grapevine Creek are also waters of the State. The comment accurately states that Castac Lake, its tributaries and Grapevine Creek are waters of the State. Specifically regarding the determination of "waters of the U.S." on the Project site, however, a jurisdictional delineation (Appendix E-3) was prepared for the Project site that delineated wetland and non-wetland areas under the jurisdiction of the USACE under the federal Clean Water Act. Draft EIR Figure 4.4-5.

Response 17 Y.

Commentor states that "westside streams" as discussed in the Water Quality Control Plan for the Tulare Lake Basin, Second Edition (revised in 2004) (Basin Plan) include Castac Lake. Castac Lake is not specifically identified as either a surface water or a "westside stream" in the Basin Plan.

Response 17 Z.

Commentor states that the beneficial uses designated for "westside streams" (agricultural supply; industrial service supply; industrial process supply; hydropower generation; water contact recreation; non-contact water recreation; warm freshwater habitat; wildlife habitat; rare, threatened or endangered species; and groundwater recharge) also apply to Castac Lake. As noted above in Response to Comment 17-Y, however, Castac Lake is not specifically identified as a surface water in the Basin Plan. The Draft EIR nonetheless assumed for the analysis purposes that the beneficial uses designated for West Side streams also applied to Castac Lake. Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY; Appendix I-1. As commentor notes in the Basin Plan, however, "it is impractical to list every surface water body in the Region. For unidentified water bodies, the beneficial uses will be evaluated on a case-by-case basis." Basin Plan at p. II-2. Notably, the Basin Plan also provides that in some cases "a beneficial use may not be applicable to [an] entire water body", and the Basin Plan also notes that tributary surface waters upstream from reservoirs typically have better water quality than reservoir-type bodies like Castac Lake. Id. Accordingly, specifically regarding Castac Lake, it would be more appropriate to designate case-specific beneficial uses rather than to rigidly apply those beneficial uses that apply more generally to West Side streams. Commentor specifically identifies the REC-1 and REC-2 beneficial uses designated for West Side streams and comments that the mitigation measure in the Draft EIR specifically addressing recreational uses of Castac Lake is not protective of REC-1 and REC-2 uses. For the reasons discussed in more detail below, REC-1 and REC-2 uses should not be considered designated beneficial uses for Castac Lake since baseline conditions and non-human sources of pathogens render Castac Lake unsuitable for those uses. Furthermore, even if Castac Lake were appropriately designated with recreational beneficial uses, the protection and enhancement of the WILD and RARE beneficial uses, which are clearly appropriate for Castac Lake given baseline conditions, precludes the implementation of measures to reduce pathogen levels sufficiently to achieve the water quality objective for bacteria associated with recreational use.
Based on the Castac Lake water quality data provided and analyzed in the Draft EIR (Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY; Appendix I-1), baseline conditions comprise naturally elevated levels of pathogens, for example, that make REC-1 and REC-2 uses inappropriate and inapplicable to Castac Lake. As noted in Draft EIR Appendix I-1, it is recognized that "natural levels of bacteria are present in the Project's receiving water [e.g. Castac Lake] and that control of such natural sources is not required nor desired by regulatory agencies." Further, U.S. EPA has recognized that routine exceedances of ambient water quality criteria due to natural sources of pollution occur. *Id.* The Basin Plan emphasizes that "achievement of water quality objectives depends on applying them to regulate controllable water quality factors, although regulating controllable water quality factors may not necessarily cause water quality objectives to be achieved." Basin Plan at III-1 (emphasis added). The Basin Plan defines "controllable water quality factors" as "those actions, conditions, or circumstances resulting from human activities that may influence the quality of waters of the State, that are subject to the authority of the State Water Board or the Regional Water Board, and that may be reasonably controlled." *Id* (emphasis added). Where uncontrollable factors have already resulted in water quality objectives being exceeded, controllable factors are not allowed to cause further degradation of water quality. *Id.* at pp. III-1 to III-2.

The Draft EIR analyzes anthropogenic Project sources of Castac Lake pollutants and includes measures to mitigate impacts associated with the discharge of such pollutants in stormwater runoff. Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY. The Draft EIR concludes, however, that given the Basin Plan Objective for bacteria for waters designated with the beneficial use REC-1 ("fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than 10 percent of the total number of samples taken during any 30-day period exceed 400/100 ml."), even after mitigation of controllable, anthropogenic pathogen sources, Castac Lake would remain unsafe for recreational uses. Draft EIR at 4.8-37. Accordingly, the Draft EIR appropriately included Mitigation Measure 4.8-31 to address uncontrollable water quality factors associated with the natural discharge of pollutants that makes Castac Lake unsafe for human recreational uses.

The Draft EIR specifically noted that wildlife can be an important source of pathogens and/or pathogen indicators. Draft EIR Section 4.8, HYDROLOGY & WATER QUALITY; Appendix I-1. Given the importance of Castac Lake to wildlife, specifically as nesting habitat for special status birds like the bald eagle, golden eagle and other special status birds *(see Draft EIR at Table 4.4-10)*, it would be both impracticable and undesirable to sufficiently reduce levels of pathogens to achieve the water quality objective for bacteria associated with recreational uses. As noted in the Draft EIR, wildlife fecal wastes contribute elevated levels of pathogens (e.g. fecal coliform) to Castac Lake (Draft EIR Appendix I-1), making it unsafe for recreational use. Run-off stormwater discharges carrying fecal waste to Castac Lake are a necessary by-product of a healthy wildlife population, and mitigation measures associated with impacts to biological resources (see Draft EIR Chapter 4.4, BIOLOGICAL RESOURCES), as well as conservation measures in the proposed TUMSHCP, which will specifically regulate impacts to listed species, require the protection of Castac Lake wildlife. The achievement of the bacteria water quality objective noted above would necessitate the deterrence of such wildlife, which would clearly conflict with not only the WILD and RARE beneficial uses but also the requirements of the proposed TUMSHCP and other applicable species regulations. Thus, Mitigation Measure 4.8-31 ensures that human health and safety will be protected while protecting the WILD and RARE beneficial uses that should clearly be considered applicable to Castac Lake. Please see Response 17-U.

**Response 17 A2.**

Please see response 17-Z.
Response 17 B2.

Please see response 17-Z.

Response 17 C2.

Commentor states that the Draft EIR should include mitigation measures that ensure Project activities do not adversely impact any of the designated beneficial uses of Castac Lake, its tributaries, and Grapevine Creek, and that Mitigation Measure 4.8-31 should be revised accordingly or deleted. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to Response to Comment 17-U regarding a proposed revision to Mitigation Measure 4.8-31, and to Response to Comment 17-Z, above, regarding beneficial uses of Castac Lake and Mitigation Measure 4-8.31. Project water quality impacts to Castac Lake, its tributaries and Grapevine Creek were thoroughly discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY.
Comment Letter 18

July 13, 2009

Mr. Craig M. Murphy, Supervising Planner
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Re: The Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village Specific and Community Plan

Dear Mr. Murphy:

Southern California Edison Company (SCE) appreciates the opportunity to review and provide comments on the DEIR for the Tejon Mountain Village Specific and Community Plan. The project is described in the DEIR as a development proposal allowing for the construction of up to 3,450 residences, 160,000 square feet commercial, various hotel, spa and resort facilities; and up to 360,000 square feet of facilities supporting various community, recreational, public and utility facilities. The project area encompasses approximately 26,417 acres located east of Interstate 5 and the community of Lebec, approximately 40 miles south of Bakersfield.

The DEIR indicates the project potentially impacts three SCE 230-kilovolt electrical transmission lines running north/south through the center of the project site (Pardee-Pastoria 220kV, Bailey-Pastoria 220kV and the Pardee-Pastoria-Warne 220kV). It also states there are multiple SCE 66-kilovolt transmission lines running north/south near the west side of the project site, crossing Castaic Lake that are potentially impacted. Further, it states the proposed project may also seek to relocate segments of one or more of these lines within 1,000 feet of existing locations to accommodate project development features.

Please be aware, SCE Company rights-of-ways are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. The project’s potential to impact SCE’s exclusive easements may also affect SCE’s transmission facilities; therefore, the impacts will need to be consented to and addressed by SCE prior to finalizing the plan of development. Any proposed use would be reviewed on a case by case basis by SCE’s Operating Department. Approvals or denials will be in writing based upon the maps provided by the developer. Please forward five (5) sets of plans depicting SCE’s facilities and associated easement rights to the following location:

Cynthia Calembo
Corporate Real Estate

1

Southern California Edison Company
2425 S. Blackstone Avenue
Tulare, CA 93274

We ask the DEIR include a discussion of potential impacts to SCE's facilities or land related rights, including any impacts that might compromise our ability to operate and maintain our facilities. Please note, when development plans result in the need to relocate existing SCE electrical facilities that operate at or above 50 kV, the resulting SCE construction may have environmental impacts that could be subject to CEQA review. Usually, the CPUC conducts required CEQA review for SCE activities associated with our transmission infrastructure. If, however, the potential for environmental impacts are properly identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the Draft EIR, and additional CEQA review is required, the CPUC process could delay approval of the SCE power line portion of the project (relocation) for two years or longer.

Environmental Impacts associated with EMF exposure have not been established; therefore, EMF should not be considered in the context of CEQA. [place the EMF discussion here.]

Once again, we appreciate the opportunity to comment on the DEIR for this project. We respectfully request a copy of the certified Final EIR for this project in both CD and hard copy format when it becomes available. If you have any questions regarding this letter, please do not hesitate to contact me at (760) 709-1188.

Sincerely,

Deborah Hess
Region Manager
Southern California Edison Company
Comment Letter 18. Southern California Edison (July 13, 2009)

Response 18 A.

Thank you for your comment. The comment states that Southern California Edison (SCE) has reviewed the Draft EIR, and accurately describes the Project uses, facilities, and location. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 18 B.

The comment accurately summarizes the Draft EIR with respect to the three SCE 230-kilivolt electrical transmission lines and multiple 66-kilivolt transmission lines, along with potential plans to relocate segments of one or more of these lines to accommodate Project development features. See Draft EIR, page 4.7-10. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 18 C.

Commentor states that SCE rights-of-way are "purchased for the exclusive use of SCE to operate and maintain its present and future facilities." This comment addresses contractual rights-of-way arrangements with Commentor, rather than an environmental impact associated with the Project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 18 D.

Commentor states that the Project has the potential to impact SCE's exclusive easements and that this may affect SCE's transmission facilities, such that "impacts will need to be consented to and addressed by SCE prior to finalizing the plan of development".

The Draft EIR identifies the presence of SCE transmission lines at the Project site, and analyzes potential impacts to these facilities that are reasonably foreseeable at this time. Please refer to Section 4.6 of the Draft EIR, including Figure 4.16-12. Project impacts on SCE facilities, to the extent that they would affect SCE's rights under the easements, relate to the contractual easement arrangement with the Commentor, rather than an environmental impact associated with the Project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 18 E.

Commenter notes that approvals or denials of requests to impact SCE's exclusive easements will be transmitted in writing, and also notes that it must receive five (5) sets of plans depicting SCE facilities and associated easement rights in relation to project plans. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 18 F.

Please refer to the Response to Comment 18-E.
Response 18 G.

Commenter requests that the Draft EIR specifically identify impacts to SCE easement areas and facilities. The relocation of the SCE transmission lines is proposed to be located within 1000 feet of the current location. Towers for the relocated line would be within the development envelope evaluated in the Draft EIR. The tower locations that are currently in Castac Lake would be relocated so that both the towers and the transmission lines avoid being in the lake.

Response 18 H.

Commenter notes that the relocation of electrical facilities that operate at or above 50kV triggers CEQA review, either by the California Public Utilities Commission or by the local agency as part of the CEQA process for the larger project that is triggering the relocation need. Commenter further notes that if the powerline relocation impacts are not sufficiently clear in the overall project EIR, the separate CPUC CEQA process may be triggered resulting in a delay of two years or longer. Impacts from the relocation of the SCE powerlines are discussed in the Draft EIR, as further described in Response 18-G. The CPUC is identified as a responsible agency in the Draft EIR, and this EIR is the appropriate CEQA documentation for the relocation of the SCE powerlines planned as part of the Project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 18 I.

Please refer to the Response to Comment 18-H.

Response 18 J.

Please refer to the Response to Comment 18-H.

Response 18 K.

Commenter states that environmental impacts from electro magnetic field (EMF) exposure have not been established, and requests that the discussion of this issue be deleted from the EIR.

In response, EMF exposure remains a concern for some parties, and given CEQA's disclosure purpose the inclusion of EMF in the EIR is warranted. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 19

RESOURCES MANAGEMENT AGENCY
COUNTY OF VENTURA

Planning Division
Kimberly L. Rodriguez
Director

July 13, 2009

Kern County
Planning Department
2700 "M" Street, Ste. 100
Bakersfield, CA 93301
Attn.: Craig Murphy

E-mail: murphyco@co.kern.ca.us

Subject: Comments on DEIR; Tejon Mountain Village Specific and Community Plan

Dear Mr. Murphy:

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document. Additional comments may have been sent directly to you by other County agencies.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Laura Hocking, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93001.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Laura Hocking at (805) 654-2443.

Sincerely,

[Signature]
Theda Maier, Manager
Program Administration Section

Attachment

County RMA Reference Number 05-066-1
Comment Letter 19, Cont.

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Laura Hocking/Dawnyelle Addison, Planning
FROM: Alicia Stratton
DATE: July 1, 2009

SUBJECT: Request for Review of Draft Environmental Impact Report for the Tejon Mountain Village Specific and Community Plan, Kern County (Reference No. 05-066-1)

Air Pollution Control District staff has reviewed the subject project, which is a request for adoption of the Tejon Mountain Village Specific and Community Plan and the Tejon Mountain Village Special Plan to implement zoning and entitlements for the project site, which encompasses approximately 26,417 acres in southwestern Kern County. The project involves development of 3,450 residences, up to 160,000 sq. ft. of commercial development, various hotel, spa and resort facilities and up to 350,000 sq. ft. of facilities in support of two 18-hole golf courses, riding and hiking trails, equestrian facilities, two helipads, a fire station, community centers and water treatment and wastewater treatment facilities.

Because the project area is under the jurisdiction of the San Joaquin Valley Air Pollution Control District, air quality issues will be addressed by that agency. We have no comments to submit on this project at this time.

If you have any questions, please call me at (805) 645-1426.
PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM

DATE: June 23, 2009
TO: Resource Management Agency, Planning Division
Attention: Laura Hocking

FROM: Nazir Lalani, Deputy Director

SUBJECT: REVIEW OF DOCUMENT 05-066
Notice of Availability (NOA) of a Draft Environmental Document (EIR) for the
Tejon Mountain Village Specific and Community Plan. Project is located at the
east of Interstate 5, and the community of Lebec.
Lead Agency: Kern County

The Public Works Agency – Transportation Department has reviewed the NOA for a Draft DEIR
for the Tejon Mountain Village Specific and Community Plan. The project consists of the (a)
Adoption of the Tejon Mountain and Village Specific and Community Plan, and (b) Amend the
Land Use, Open Space, and Conservation Element of the Kern County General Plan. The project is
requesting the adoption of the Tejon Mountain Village Special Plan to implement zoning for the
project. The project site encompasses approximately 26,417 acres in southwestern Kern County,
California. The project involves entitlement that would allow development of facilities which are;
3,450 residences, up to 160,000 SF of commercial development, various hotel, spa, and resort
facilities which include 750 lodging units, and 350,000 SF of facilities in support of the following
specific uses as, two 18-hole golf courses, riding and hiking trails, equestrian facilities, two helipads,
a fire station, private community centers, electrical substation facilities, permanent and interim water
treatment, wastewater facilities and associated utilities necessary to serve the developed area,
and ranchland and other undeveloped open space. The project is located east of Interstate 5, in the
community of Lebec, and also being a portion of Rancho Castac, Rancho Los Alamos Y Agua
Caliente, and Rancho Libre.

The Draft EIR did not address the comment in our October 25, 2005. The following comment
should be addressed:

“The project location is outside of Ventura County jurisdiction; however, the traffic from this
project may have an impact on Ventura County roads. The Environmental Study should be
required to analyze and mitigate the traffic impacts of this project, if any, to the roads in Ventura
County. We would like to review the Environmental Study as it becomes available.”

Our review is limited to the impacts this project may have on Ventura County's Regional Road
Network.

Please call me at 654-2080 if you have questions.
COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION

MEMORANDUM

DATE:    July 10, 2009
TO:      Craig Murphy, Kern County
FROM:    Christina Danko, Planning Biologist
SUBJECT: Tejon Mountain Village Specific Plan and Community Plan Draft EIR (TMV EIR), RMA# 05-066-1, Comments on Biological Resources

Ventura County shares a regional linkage among protected habitats with Kern County. In addition, Ventura County is home to the wildlife refuges that are key to the recovery of the California condor, a species which depends partly on Tejon Ranch habitats nearby for survival. Given the Ventura County Planning Division's work towards protecting regional wildlife corridors and biological resources, the impact of the Tejon Mountain Village Specific Plan (TMV) project on regional biological resources is of concern to Ventura County.

In general, much of the impact assessment in the TMV EIR, including cumulative impacts, relies on a relativity analysis, and the isocline for the analysis is 100% buildout of the Specific Plan area, according to the proposed zoning. For example, the EIR states that 61% of breeding and foraging habitat for golden eagle would be avoided, and protection of this habitat mitigates the project impact to golden eagle. This implies that 100% of the breeding and foraging habitat on-site would be impacted at some point in the future, and this Specific Plan saves 61% of the habitat. However, given that much of the current zoning of the TMV project area has a minimum parcel size of 20-80 acres, changing the zoning to allow for 1-10 dwelling units per acre would cause a loss of 39% of the golden eagle breeding and foraging habitat in the project area, according to the EIR. To determine whether this impact to golden eagle is significant, the question that must be answered in the EIR is: how would the net loss of 2,967 acres of suitable breeding habitat affect the local population of golden eagle? The EIR does not specifically answer this question for any of the special-status species affected. Instead, the EIR relies on percent of habitat affected within the Specific Plan area to determine significance, and percent of habitat not affected within the Specific Plan area to mitigate the significant impact. The boundaries of the Specific Plan area have no biological significance, and therefore, to state the loss of suitable habitat as a percentage of the Specific Plan area is irrelevant. The total number of acres affected and the importance of that habitat in the region should be the measures considered when determining the significance level of impacts.

Proposed mitigation measures are also stated as percentages of the Specific Plan area, including percent avoided or percent conserved. For example, the mitigation measures

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proposed to reduce the significant impact to golden eagle rely heavily on conservation of surrounding open space (61 percent of the Specific Plan area). However, there would still be a net loss in golden eagle habitat, considering that the existing conditions on the site are: available suitable habitat for foraging and breeding golden eagle and existing zoning designations that allow for only low density development (20 – 80 acre minimum lot size and agricultural use in comparison to the proposed 1 – 10 units per acre).

The TMV EIR suggests that the level of significance for impacts to the many rare, threatened, and endangered species that are present on the project site would be reduced by surveying for, relocating, and avoiding individuals during construction activity and protecting surrounding open space to compensate for the loss. Given that the project site currently provides suitable habitat for many special-status species, and the threat of loss to development is low with the current zoning, the protection of surrounding habitats is not sufficient to reduce impacts to a less than significant level. Therefore, the proposed project would have significant and unavoidable impacts to rare, threatened, and endangered species, because there would remain a net loss of suitable habitats, and that net loss is large, relative to planned and approved development projects in the region.

Similar results were found for impacts to sensitive natural communities and wetlands. The EIR suggests that impacts to sensitive natural communities and wetlands are reduced to less than significant because the project proposes NOT to develop the remainder of the Specific Plan area. It is common practice to evaluate the significance of environmental impacts by comparing the extent of the impact to the extent of the property where the impact will occur. In this case, Tejon Ranch contains extensive natural open space compared to the extent of the proposed impact of Tejon Mountain Village. The EIR assures the public that by not developing most of the Ranch, the impacts caused by the proposed development are less than significant. However, the EIR does not disclose how the full impact of the net loss of thousands of acres of suitable habitat for multiple special-status species, sensitive plant communities, and wetlands will affect the biological resources of the region.

The EIR should objectively inform the public that, even with attempts to lessen construction and operational impacts, there will remain a large net loss of suitable habitat for special-status species, sensitive plant communities, wetlands, and regional habitat connectivity, and the EIR should analyze how that net loss will affect the region's biological resources.
Comment Letter 19. County of Ventura Resource Management Agency (July 13, 2009)

Response 19 A.

Thank you for your comment. The comment from the County of Ventura Resource Management Agency (Agency), states that the Agency has reviewed the Project and has a number of comments. The comment notes that additional comments may have been submitted directly by other Ventura County agencies. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 B.

The comment notes that proposed responses to the Agency's comment should be sent directly to each commentor with a copy as noted. Responses to comments will be included and distributed to each commenting agency.

Response 19 C.

The comment includes contact information for Agency staff should any questions arise regarding the above comments. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 D.

The comment from the Ventura County Air Pollution Control District (District), states that the District has reviewed the Project, which includes a request for adoption of the Tejon Mountain Village Specific and Community Plan and the Tejon Mountain Village Special Plan to implement zoning and entitlements for the 26,417-acre Project site. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 E.

The comment from the District accurately describes the Project uses, facilities, and location. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 F.

The comment notes that the Project is under the jurisdiction of the San Joaquin Valley Air Pollution Control District and therefore the District has no comments on the Project. The comment includes contact information for District staff should any questions arise. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 19 G.

The comment states that the Ventura County Public Works Agency, Transportation Department (Transportation Department) has reviewed the Notice of Availability for the Draft EIR. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 H.

The comment accurately describes the Project uses, facilities, and location. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 I.

The comment notes that the Draft EIR failed to address the comment submitted by the Transportation Department on October 25, 2005. Kern County disagrees that the Draft EIR failed to address the comment submitted by the Transportation Department. Please see Response 19-J, below.

Response 19 J.

Commentor notes that while the Project is outside Commentor's jurisdiction, traffic from this project may have an impact on Ventura County roads, which should be evaluated and mitigated. The Revised TIS defined a local and regional study area based on where potential project impacts could occur. While part of Frazier Mountain Park Road was included (within Kern and Los Angeles Counties), the potential impact area did not extend into Ventura County for this or other local roadways. This area of Ventura County is either public open space lands (e.g., Angeles National Forest) or sparsely populated with a rural residential, large or very large lot density level. The primary road leading to these open space and rural residential areas of Ventura County from the Project vicinity is Lockwood Valley Road, which has relatively low routine utilization and somewhat higher weekend recreational use. Since there are no major traffic destinations along this road in Ventura County (e.g., no significant retail or commercial uses), and Project traffic has been assigned to higher utilization facilities such as I-5 and local roadways, the Project will not cause or contribute to any impact to Lockwood Valley Road in Ventura County. Project impacts did not extend to other Ventura County facilities such as County roadways accessing SR-126. The distance of the Ventura County facilities from the Project site and the lack of traffic destinations are such that no measurable amount of Project traffic is estimated to be using those facilities.

Response 19 K.

The comment states that the Transportation Department's review is limited to impacts that the Project may have on Ventura County's Regional Road Network. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 19 L.

The County of Ventura indicated in its comment letter several concerns regarding habitat linkages, including that Ventura County shares a regional linkage among protected habitats with Kern County; Ventura County is home to wildlife refuges that support the California condor, for which Tejon Ranch is important for its survival; and, given the County’s work toward protection of regional wildlife corridors, it has concerns about the impact of the proposed Project on these resources.
The response to this comment is provided in two parts: (1) the comment regarding regional wildlife corridors, primarily related to species other than the condor; and (2) a specific response to the comment concerning condors.

The Draft EIR provides an extensive analysis of habitat linkages and wildlife corridors in the proposed Project region (see Impact 4.4-4 on pages 4.4-424 to 4.4-442). This impact analysis includes: (1) a description of existing wildlife movement patterns based on a camera study, including potential barriers to movement such as Interstate 5; (2) on-site wildlife habitat use in relation to frequent Interstate 5 crossing points; (3) the potential impacts of the Project on the movement of existing native resident and migratory species through the Project landscape based on comparable wildlife movement studies; and (4) the potential impacts of the Project on wildlife movement based on theoretical computer models. Based on this analysis, the Draft EIR determined that the Project would have a less-than-significant effect on native resident and migratory wildlife movement and therefore would not destroy crucial linkages to other preserved lands, eliminate wildlife corridors, or fragment the watershed.

Existing wildlife movement across Interstate 5 was studied using motion-sensitive cameras positioned at several potential wildlife crossing points, including culverts, an underpass, and an overpass (see Draft EIR Figure 4.4-15). Generally, the number of wildlife photographed at the northern crossing points was greater than the number photographed at southern crossing points, with the Grapevine Camera Group accounting for approximately 65% of all terrestrial species photographed in the study. Overall, the photographic data indicate that large mammal activity (mule deer, bobcat, and coyote) was concentrated at the Northern Castac Lake Camera Group and the Southern Grapevine Group (see Draft EIR Table 4.4-161). In particular, the data for bobcats and coyotes from the Southern Grapevine Camera Group strongly indicate that these species moved across Interstate 5 via existing culverts. Additional surveys of trails leading from nine Interstate 5 culverts that showed significant evidence of movement in the camera study found evidence of mule deer, bobcat, and coyote moving to and from the Interstate 5 culverts. These camera and wildlife trails survey data indicate movement by large and small mammals in areas within and adjacent to the proposed Project site and also demonstrate that Interstate 5 is not an impermeable barrier to east–west wildlife movement under existing conditions. Most of the existing wildlife movement is occurring at the more northerly underpasses and culverts within the Tehachapi uplands. Furthermore, large and small mammals are traversing steep and rugged landscapes such as the north face of Grapevine Peak (see Draft EIR Figure 4.4-16). Movement across these areas allows direct access from the proposed Project site to the Wind Wolves Preserve and Los Padres National Forest west of Interstate 5.

Within the general Project area, native wildlife, including high-mobility species, such as black bear, mountain lion, mule deer, bobcat, and coyote, have been observed at several locations, including around existing developed areas such as the cluster of buildings and facilities at the TRC headquarters and adjacent school. Because the proposed Project site is mostly undeveloped, native wildlife generally range freely across the landscape.

Based on existing information for generally unrestricted wildlife movement across the proposed Project site, within the broader Tehachapi uplands landscape, and across Interstate 5 at several locations, the Draft EIR analyzed the impact of the proposed Project on wildlife movement (described in detail on Draft EIR pages 4.4-431 through 4.4-440). The impact analysis methods included dividing on-site resident and migratory native species into five representative guilds or groups that generally share the same propensity and capacity for movement through a landscape: (1) high-mobility ground-dwelling species (e.g., bear, mountain lion, bobcat, coyote); (2) moderate-mobility ground-dwelling guild (e.g., American badger, raccoon, gray squirrel); (3) low-mobility ground-dwelling guild (e.g., rodents, reptiles, amphibians); (4) high-mobility aerial guild (e.g., California condor, golden eagle, pallid bat); and (5) moderate-mobility aerial guild (e.g., rufous-crowned sparrow, Bell’s sage sparrow, California spotted owl). In general, the
ability to move through and within a landscape is more important for high-mobility ground-dwelling species because they range over comparatively large landscapes (e.g., hundreds to thousands of acres) and, therefore, are sensitive to habitat loss, fragmentation, and barriers to movement. High-mobility aerial species are less sensitive to habitat fragmentation because of their ability to fly between suitable habitat patches. Adequate habitat patches are important for the low- and moderate-mobility species because their life cycles tend to occur within relatively small ranges (e.g., less than 1 acre to tens of acres), although some species may exhibit relatively long, one-time dispersal events. In many cases, maintaining adequate linkage habitat for the high-mobility ground-dwelling species will provide habitat for species in the other guilds, serving an “umbrella” function.

The impact analysis also took into consideration the lands north, east, and south of the proposed Project site that would be permanently preserved as open space under the comprehensive Ranchwide Agreement (see Draft EIR Figure 4.4-17). The key element of the Ranchwide Agreement for preserving an adequate wildlife linkage is stated in the Draft EIR (page 4.4-433). Minor revisions to the text are shown below and in Section 7.3, ERRATA TO THE DRAFT EIR:

Figure 4.4-17 shows that the project’s preserved open space and the Tejon Ranch Company landholdings preserved under the Ranchwide Agreement jointly make up a contiguous, fully avoided wildlife linkage of approximately 173,000-178,000 acres. No public roads or commercial, residential, or industrial development of any kind would occur in this linkage. The wildlife linkage would include a contiguous, fully avoided block of land to the north of the project approximately 4 to 8 miles wide and 9 miles long. This portion of the linkage would connect directly with Interstate 5 underpasses and culverts documented to be the most heavily used by the larger high-mobility species and carnivores in the camera study (see Table 4.4-161). The aerial areal extent of the wildlife linkage would increase to a total of approximately 235,000-240,000 acres if all potential acquisition areas in the Tehachapi landscape are acquired under the terms of the Ranchwide Agreement.

The analysis compared the size dimensions of this habitat linkage with other major habitat linkages in Southern California, such as the Santa Ana Mountain Area and Santa Monica Mountain Area linkages, where significant wildlife species movement is known to occur, and found it to be comparable in dimension and with significantly lower development and fewer major roadway impacts. Based on this comparison, the Draft EIR concluded that the wildlife linkage provided for by the Project together with the Ranchwide Agreement would support wildlife movement through the Tehachapi landscape.

The Draft EIR specifically analyzed wildlife movement within the proposed development area. The proposed Project includes Open Area where no development would occur; Mountain Residential, where only a very low dwelling unit density of up to 2 units per gross acre could occur; and Resort and Village Mixed-Use, which would allow higher densities of 10 to 30 units per gross acre. The Resort and Village Mixed-Use designations are limited to southern and middle portions of the Project site and a small area immediately adjacent to Interstate 5 near the Lebec interchange, respectively (see Draft EIR, Figure 3-10). Wildlife linkage studies (Andreassen 1996; Loyd et al. 2006; George and Crooks 2006; Grinder and Krausmann 2001; VerCauteren et al. 2005; Riley et al. 2003; Tigas et al. 2002; Dudek 2008; Ng et al. 2004; Dudek 1995; Haas 2000; Dubil 2007; Umbach 1996; Berman 2005) summarized on pages 4.4-435 through 4.4-437 of the Draft EIR indicate that areas such as the Open Area and very low dwelling unit density Mountain Residential designations are compatible with significant wildlife movement, thus extending the function of the large regional wildlife linkage provided for in the Ranchwide Agreement. Due to the relatively high density of units in the Resort and Village Mixed-Use areas, these areas may not support significant native wildlife populations or as effectively convey movement through the area following build out of the Project.
Accordingly, the Draft EIR concluded that the Project would avoid significant impacts to native resident and migratory wildlife movement through the Tehachapi landscape. Movement between the proposed Project area and Wind Wolves Preserve and the Los Padres National Forest to the west and Sequoia National Forest to the east would not be significantly affected by the Project (Draft EIR, page 4.4-437):

Figure 4.4-17 shows that the avoided open space throughout the western Tehachapi landscape and the Mountain Residential portions of the project’s development envelope collectively make up a wildlife linkage that varies from approximately 4 to 8 miles wide and 9 miles long north of the project site and includes a large area of permanently protected open space to the east. The linkage would connect directly with the southern Grapevine and northern Castac Lake Camera Group locations, which were heavily used by high-mobility species in the camera study (see Table 4.4-161). The size of the western Tehachapi landscape wildlife linkage is comparable with or larger than other major linkages in southern California and would be subject to lower levels of development, fragmentation, and roadway intrusion. Significant movement for all species has been documented in other regional linkages that are subject to greater development and roadway pressures (George and Crooks 2006; Tigas et al. 2002; Haas 2000; Dudek 1995). The permanent preservation of a fully avoided, contiguous wildlife linkage throughout the western Tehachapi landscape and the persistence of linkage function in the lower density portions of the project would avoid significant impacts on existing native resident and migratory wildlife movement within the project and in the western Tehachapi landscape.

This conclusion, which primarily is based on the Interstate 5 camera and wildlife trails studies, the Open Area and Mountain Residential designations, and comparable wildlife linkage studies, is also supported by modeling of high-value wildlife movement corridors that was conducted to further analyze potential Project impacts. Linkage design software (Corridor Designer) was used to model habitat areas that would provide the safest (i.e., “least-cost”) movement through a landscape for a focal species, where variables such as natural vegetation communities and roadways affect the cost (e.g., mortality, lack of food or shelter) of moving through the landscape. Areas of the landscape are ranked for these variables and then summed, with the sum of the most highly rated locations between two points being the least-cost movement corridor. Research indicates that preservation of the top 1%, or in some cases, the top 0.7% least-cost corridor, would maintain sufficient species movement in a landscape. The Draft EIR analysis is based on a least-cost model that replicated the model used by the South Coast Missing Linkages (SCML) study for the Tehachapi uplands connection. The current modeling was conducted using software that was updated since 2003 and more detailed vegetation information that was generated by Project surveys and distance to roads (see Draft EIR Appendix E-1 for details on the SCML model and the updated application used for the Draft EIR). The top 1% least-cost corridor analysis was applied to four focal species known to occur in the Project area: mountain lion (high-mobility ground-dwelling guild), mule deer (high-mobility ground-dwelling guild), gray squirrel (moderate-mobility ground-dwelling guild), and spotted owl (moderate-mobility aerial guild). The model results, shown in Draft EIR Figure 4.4-18, depict a general agreement between the replicated SCML results (using the same data used by SCML in 2003) and the updated results using the detailed Project-level vegetation and distance to roads. The model results were very similar and both show that the majority of the highest value wildlife linkage through the western Tehachapi landscape is located in preserved open space north of the Project site. Based on these model results, which are consistent with the empirical data for wildlife movement in the Project area and across Interstate 5, the Draft EIR concluded that (page 4.4-439):

Virtually all of the top 1% least-corridor solutions for the four focal species in both the 2003 SCML study and the updated analysis occur in the avoided portions of the western Tehachapi landscape or in the lowest density Mountain Residential portions of the project development envelope. As discussed above, research indicates that wildlife linkage functions are maintained in
lower density areas, particularly where such areas are adjacent to significant open spaces. As a result, the project would not significantly affect the portions of the western Tehachapi linkage that correspond with the highest valued movement corridors identified in the SCML study and updated linkage models.

Although the Draft EIR concluded that the Project would not significantly affect wildlife movement through the western Tehachapi landscape, several mitigation measures will be implemented that will serve to reduce impacts to native resident and migratory wildlife movement. These Mitigation Measures include: 4.4-1 (culling non-native species such as feral pigs); 4.4-11 (protection of habitats within the Project site that support linkage function); 4.4-12 (ensures that approximately 81% of Project area would remain undeveloped at full build out); 4.4-13 (implementation of Resource Management Plan that would address species movement); 4.4-14 (adoption of Integrated Pest Management Plan that would control pesticide use); 4.4-18 (homeowner educational programs and trail signage regarding protection of biological resources); 4.4-19 (limitations on uses in open areas to activities that would not significantly affect resources, including guided hunting for non-native species control, cattle grazing, education, adaptive management, and low-impact recreation); 4.4-20 (controls on fertilizers and pesticides for golf course maintenance); 4.4-26 (limitations on lighting and direction away from natural open space areas); 4.4-29 (controls on human intrusion into on-site natural vegetation); 4.4-31 (adoption of Grazing Management Plan that ensures that grazing in open areas would avoid special-status wildlife communities and sensitive vegetation communities); 4.4.36 (covering of trash receptacles to avoid and reduce attraction of native and non-native wildlife to developed areas); and 4.4-37 (requirement that horse feed mixes do not contain seeds that may result in invasions of non-native plants into open areas). Consequently, wildlife movement and corridor functions and values will not be significantly impacted and will be maintained by the Project.

Regarding the comment concerning condors, it is important to note that the current condor recovery program includes three other locations (central California, Baja California and Arizona) in addition to the southern California region that includes Tejon Ranch and the wildlife refuges located in Ventura County. Recovery efforts in a fourth location are also likely to be implemented in northern California. Condors never nested on Tejon Ranch and suitable nesting habitat does not occur within the Ranch. Although a number of active condor nests occur in the Sespe Wilderness Area in Ventura County, the majority of active nests currently occur to the north in central California. As a result, active condor survival and recovery efforts exist in parts of north America that do not rely solely on Tejon Ranch or Ventura County. The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California, including the role of the Ranch as a source of foraging habitat for nesting condors in certain locations of Ventura County, is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6) as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Draft EIR and CCP also address and consider the designation of approximately 131,947 acres of Tejon Ranch and 605,190 acres in California as condor critical habitat. Approximately 37,099 acres of the Ranch encompassing the Tunis-Winters Ridge area has historically been used by condors for foraging and roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the U.S. Fish and Wildlife Service (USFWS) and lies outside of the Project area. As discussed in Draft EIR Section 3, in 2008 the Tejon Ranch Company (TRC) entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly formed nonprofit Tejon Ranch Conservancy. The Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor habitat.
foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor 
eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor 
between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 
4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts 
consulted by the Project, the initial Project development envelope was substantially modified to move 
development off of the northernmost highest-elevation ridges and slopes to preserve high-quality condor 
foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the 
northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of 
Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. In addition, the Project 
will generate significant funding for GPS monitoring technology, and will implement a variety of 
measures to contribute to the ongoing conservation and recovery of the species. As discussed in the Draft 
EIR at 4.4-433 through 4.4-442, the Project will not significantly affect movement of native resident or 
migratory species in the western Tehachapi landscape, including condor movement to and from Ventura 
County wildlife refuges.

The Project would avoid a large contiguous wildlife linkage to the north and east of the site that 
encompasses the substantial majority of the land in the western Tehachapi landscape (see Draft EIR 
Figure 4.4-17). Condor movement is considered in the Draft EIR in conjunction with the analysis of the 
“high-mobility aerial guild.” The movement of this guild is not significantly constrained by local 
landscape conditions and high-mobility aerial species have been documented to occur in and fly over 
dense urban, rural, and other types of development (Draft EIR at 4.4-441 through 4.4-442). The Project, 
in conjunction with the Ranchwide Agreement, would preserve a contiguous, fully avoided western 
Tehachapi landscape wildlife linkage: (a) comparable in size with or larger; and (b) subject to lower 
levels of development, fragmentation, and roadway intrusion than other major linkages in southern 
California in which wildlife connectivity functions have been preserved (see Draft EIR at 4.4-437 and 
Figure 4.4-17). In particular, the contiguous linkage maintained by the Project and the Ranchwide 
Agreement will permanently preserve an undeveloped corridor that possesses higher foraging and flyover 
habitat functions and values for condor movement than the corridor between the heavily urbanized Santa 
Clarita Valley and northern San Fernando Valley that runs perpendicular to the I-5 freeway. Despite the 
presence of much more significant development to the north, south, and along the freeway corridor than 
would be associated with the Project, the Santa Clarita Valley/northern San Fernando Valley corridor has 
continued to be used by condors (see CCP Figure 5). As a result, the Project and the Ranchwide 
Agreement will preserve and enhance the functions and values of the Ranch for condor roosting, foraging, 
and flyovers, maintain the Ranch’s historical relationship with condor refuges located in Ventura County, 
and will not adversely affect condor movement between the Ventura County refuges and condor habitat 
within the Ranch.

Response 19 M.

The County of Ventura indicates in its comment letter that much of the impact assessment for the 
proposed Project, including cumulative impacts, relies on a “relativity” analysis and that the baseline for 
analysis is 100% of the Specific Plan area according to the proposed zoning.

The entire Specific Plan area is 26,417 acres. For the purpose of the impact analysis, a worst-case 
scenario of 100% permanent impact was assumed within a 7,867-acre development planning envelope 
within the Specific Plan area because a precise development footprint has not been approved. The 
maximum allowable permanent impact within the development planning envelope is 5,082 acres; i.e., 
80% of the Specific Plan area will be open space. Therefore, the comment that the “baseline for the 
analysis is 100% of the Specific Plan area” is not accurate.
The impact assessment for the proposed Project properly focuses on the entire Project site and buildout of the Specific Plan area according to the proposed zoning, or land uses proposed by the Project. This is an appropriate CEQA approach for analysis of direct impacts and is not considered to be a “relativity” analysis. Likewise, the cumulative analysis does not rely on a “relativity” analysis but rather considers a list of past, present, and reasonably foreseeable projects, also an appropriate approach under CEQA.

Response 19 N.

The County of Ventura cites the Draft EIR in its comment letter that 61% of breeding and foraging habitat for golden eagle would be avoided and that this protection mitigates impacts, implying that 100% of breeding and foraging habitat on site (i.e., within potential development envelope) would be impacted and that 61% of habitat in the Specific Plan would be protected.

This comment accurately reflects the information provided in the Draft EIR. However, for clarification, it should be noted that the suitable habitat model included three habitat categories for golden eagle (see Draft EIR Table 4.4-61): (1) habitat suitable for breeding only (i.e., dense oak woodlands with greater than 40% cover and Great Valley valley oak riparian association); (2) habitat suitable for foraging only (e.g., scrub, native and non-native grasslands and agricultural areas); and (3) habitat suitable for both breeding and foraging (e.g., open oak woodlands with less than 40% cover). The County’s comment only refers to habitat suitable for both breeding and foraging.

Response 19 O.

The County of Ventura comments that the current zoning of the proposed Project area has a minimum parcel size of 20 to 80 acres and changing the zoning to allow for 1 to 10 dwelling units per acre would cause a loss of 39% of golden eagle breeding and foraging habitat in the Project area, according to the Draft EIR.

This comment accurately reflects the information provided in the Draft EIR.

Response 19 P.

The County of Ventura comments that in order to determine whether the impact to 39% of breeding and foraging habitat is significant, the question must be asked of how the net loss of 2,967 acres of suitable breeding habitat would affect the local population of the golden eagle.

The comment, as stated, accurately reflects the impact analysis in the Draft EIR regarding loss of habitat. However, the loss of 2,967 acres refers only to breeding and foraging habitat, as defined in Response to Comment 19-N (i.e., habitat suitable for breeding and foraging, as opposed to habitat only suitable for breeding or only suitable for foraging). The total permanent loss of suitable habitat for the golden eagle is provided in the following excerpt from Table 4.4-128:

Approximately 71% (7,264 acres) of primary breeding habitat, 54% (3,638 acres) of foraging habitat, and 61% (3,516 acres) of breeding and foraging habitat would be avoided in project open space and Special Management Areas. Approximately 2,967 acres, or 29%, of suitable primary breeding habitat are within the development envelope (2,387 acres) and secondary impact area (fuel modification zone) (579 acres). Approximately 3,054 acres, or 46%, of suitable foraging habitat are within the development envelope (2,664 acres), offsite infrastructure areas (23 acres), and secondary impact area (fuel modification zone) (367 acres). Approximately 2,239 acres, or 39%, of the breeding and foraging suitable habitat are within the development envelope (1,922 acres).
acres), offsite infrastructure areas (1 acre), and secondary impact area (fuel modification zone) (316 acres).

Draft EIR at 4.4-219

The Draft EIR conclusion, based on these impacts, is that the proposed Project development activities could result in significant long-term direct impacts on habitat for the golden eagle (page 4.4-219, Table 4.4-128). However, the Draft EIR further concludes that implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-1 (requires that all participants in onsite population management efforts be educated in the identification and behavior of this species and supervised by a trained hunting guide to avoid any accidental encounter with this species), 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-2 (which prohibits new high-voltage towers or power lines within the project area, and includes BMPs for the relocation of lines within 1,000 feet of existing lines or aboveground structures), 4.4-29, 4.4-37, 4.4-39, 4.4-41 (which requires focused surveys for nesting golden eagles and protection of active nests through buffers and viewshed limitations), and 4.4-46 (which prohibits construction activities within the viewshed of an active golden eagle nest, even if the nest becomes active after the area has been approved for construction) would reduce potential impacts to less than significant.

Response 19 Q.

The County of Ventura comments that the Draft EIR does not answer the question of how the loss of habitat would affect any of the special-status species.

The Draft EIR presents the same general level of analysis for each of the special-status species in Section 4.4.4, IMPACT AND MITIGATION MEASURES, as described in Response 19-P, above, for the golden eagle. In cases where the determination of the impact was considered to be less than significant, the rationale for why the impact would be less than significant is stated. For example, for vermilion flycatcher, impacts to 33% of foraging habitat would be less than significant because the species does not breed on the proposed Project site, and only one individual was observed in one location. Draft EIR, Table 4.4-118 on page 4.4-211.

Response 19 R.

The County of Ventura comments that the Draft EIR relies on percent of habitat affected within the Specific Plan to determine significance and percent of habitat not affected within the Specific Plan to mitigate significant impacts.

The percent of suitable habitat affected and the percent of suitable habitat not affected by a Project is a standard method for analyzing the significance of impacts to special-status species if such information is applicable for the species. The comment does not accurately characterize the mitigation approach for significant impacts to special-status species. In addition to protection of habitat within the Project area and outside the 7,867-acre development planning envelope, the Draft EIR identifies many other general and species-specific measures that combined would reduce impacts to a level less than significant. Taking the golden eagle as an example, in addition to protection of 71% (7,264 acres) of primary breeding habitat, 54% (3,638 acres) of foraging habitat, and 61% (3,516 acres) of breeding and foraging habitat in Project open space and Special Management Areas, other mitigation measures for long-term impacts include the following:

4.4-2 prohibits new high-voltage towers or power lines within lands developed by the Master Developer from being built within the project area, which would reduce potential impacts to this
species from collisions with structures. 4.4-2 also includes BMPs for the relocation of lines within 1,000 feet of existing lines or aboveground structures.

4.4-11 requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to special-status wildlife species, including golden eagle.

4.4-13 requires implementation of a RMP that specifically identifies required resource management activities and the entities that would be responsible for managing those activities within each planning area.

4.4-14 would require implementation of an IPM plan, which would avoid and minimize impacts of pesticide products on adjacent project open space.

Implementation of 4.4-16 would avoid and minimize the potential effects of non-native plant species infestations in project open space (which could alter suitable habitat for the golden eagle) through the use of native or non-native, non-invasive species in adjacent landscaped areas. Property owners would also be required to maintain a low-water regime within 100 feet of open space.

Implementation of 4.4-17 would avoid and minimize the potential effects of pets on this species through imposing leash-only areas and through the control of stray and feral animals, which would reduce trampling of vegetation in open space and/or avoid impacts to the golden eagle.

4.4-18 would provide education to the public on the special-status biological resources in the project open space, which would aid in avoiding and minimizing impacts associated with human and pet presence and vegetation trampling.

4.4-1 requires that all participants in onsite population management efforts be educated in the identification and behavior of this species and supervised by a trained hunting guide to avoid any accidental encounter with this species.

4.4-19 specifically limits the allowable uses of the project open space areas, which would avoid and minimize a range of potential long-term impacts.

4.4-20 requires a golf course maintenance plan, which would avoid and minimize the potential effects of the golf course on water quality.

4.4-21 requires the preparation and implementation of an FPP, which would reduce the potential of a fire in the development area from spreading into the open space areas.

Potential impacts from lighting would be mitigated through 4.4-26, which requires the use of exterior lighting be limited and directed away from natural open spaces.

4.4-29 requires permanent fencing or trail closure along highly used pedestrian trails or trailheads located adjacent to development within 100 feet of special-status wildlife occurrences.

4.4-37 places limitations on food sources for horses to prevent the spread and establishment of non-native plant species into open space.
4.4-41 requires focused surveys for nesting golden eagles and protection of active nests through buffers and viewshed limitations.

4.4-46 prohibits construction activities within the viewshed of an active golden eagle nest, even if the nest becomes active after the area has been approved for construction.

(Excerpted from Draft EIR Table 4.4-153 on pages 4.4-325 and 4.4-326.)

Response 19 S.

The County of Ventura comments that the boundaries of the Specific Plan area have no biological significance and therefore to state loss of suitable habitat as a percentage of the Specific Plan is irrelevant.

A standard practice of biological impact analyses for the purpose of CEQA is to state the loss of habitat in terms of absolute acres and percentage of the total suitable habitat within the Project boundary, such as the golden eagle habitat analysis presented in Response 19-P. See, e.g., Save Round Valley Alliance v. County of Inyo (2007) 157 Cal.App.4th 1437, 1468 (approving a similar approach to the assessment of biological impacts). This is commonly done regardless of the extent of the impact or the extent of the property. Therefore, the proposed Project boundary is relevant to the biological impacts analysis in the specific context of Project impacts on biological resources. The absence of such a project-specific analysis would certainly be judged to be inadequate under CEQA. It is true, however, that stating percentages alone without the appropriate context may not be biologically meaningful and can be misleading; protection of 90% of 5,000 acres of woodland, for example, is very different biologically from protection of 90% of 10 acres of woodland. For this reason, the impact analyses in Section 4.4.4, IMPACTS AND MITIGATION MEASURES, reports both acreages and percentages of habitat lost and preserved. For each special-status species, the magnitude of this protection and loss is then considered in the significance determination described in Response 19-P. The magnitude of this loss is considered both in the context of loss of habitat on site and the effect of this loss to the local population and within the context of the species within its entire range. For example, a species that is still fairly common and widespread within a large geographic range may tolerate a more substantial loss of habitat on a project site than a rare species with a small range (i.e., where the project comprises a relatively large and important portion of the range).

Response 19 T.

The County of Ventura comments that the total number of acres affected and the importance of the habitat in the region should be the measures considered when determining the significance level of impacts.

The Draft EIR provides the total number or acres affected for each of the special-status species for which suitable habitat modeled. Acreages, along with percentages, of impacted habitat are reported in the long-term impact tables for the special-status wildlife species (Tables 4.4-106 to 4.4-152 on pages 4.4-202 to 4.4-238 of the Draft EIR). The significance of these impacts was considered in the context of the significance thresholds described on pages 4.4-78 and 4.4-79 of the Draft EIR.

Response 19 U.

The County of Ventura comments that the proposed mitigation measures are also stated as percentages of the Specific Plan area, including percent avoided or percent conserved. The County of Ventura also comments that the mitigation measures proposed to reduce the significant impact to golden eagle rely heavily on conservation of surrounding open space (61% of the Specific Plan area).
This first sentence in the comment accurately reflects that the Draft EIR mitigation measures based on habitat protection are stated as percentages, including the percent avoided or percent conserved. However, these habitat-based mitigation measures are also stated as acreages, as provided for the golden eagle in the example in Response 19-P. Reporting of both acreages and percentages is important for providing the scale and relative magnitude of habitat protection compared to habitat impacts.

The second sentence in the comment accurately characterizes the protection of open space in the proposed Project area as an important component of mitigation, but fails to acknowledge the other mitigation measures that are also important for reducing long-term impacts to golden eagle to a level less than significant. The numerous mitigation measures provided in the Draft EIR for impacts to the golden eagle are reproduced in Response 19-R. The mitigation measures for golden eagle do not rely heavily on conservation of surrounding open space.

Response 19 V.

The County of Ventura comments that there would still be net loss of habitat for golden eagle considering that the existing conditions on site are: available suitable habitat for foraging and breeding golden eagle and existing zoning designations that allow for only low density development (20- to 80-acre minimum lot size and agricultural use in comparison to the proposed 1 to 10 units per acre).

The comment accurately reflect the analysis in the Draft EIR that there would be a net loss of suitable habitat for the golden eagle in the Specific Plan within the 7,867-acre development planning envelope. There would be no loss of golden eagle habitat in the proposed Project open space. There appears, however, to be some confusion of habitat protection proposed under the proposed Project and that which would occur under the existing zoning designation, which is Alternative 1: Existing General Plan Buildout Alternative in Chapter 6, ALTERNATIVES. Alternative 1 was rejected as an alternative for analysis for several reasons stated in Table 6-2 of the Draft EIR:

- Would increase level of development and most impacts.
- Would place more development in high-value California condor habitat.
- Would not avoid other significant environmental impacts.
- Would require revision of terms of Ranchwide Agreement to provide for different conservation and development areas than identified in the agreement.
- Would meet many project objectives but not to the extent of the proposed project.

(Draft EIR, page 6-7.)

The reference to potential loss of habitat under the existing zoning designations in comparison to the proposed Project therefore is not appropriate as a standard for analyzing Project impacts. However, for informational purposes only, Draft EIR Figure 6-1 shows a conceptual existing general plan buildout with approximate locations of lots. This figure illustrates that lots could be sited through the Project area resulting in substantial habitat loss and fragmentation.

Response 19 W.

The County of Ventura comments that the Draft EIR suggests that the level of significance for impacts to the many rare, threatened, and endangered species that are on the Project site would be reduced by
surveying for, relocating, and avoiding individuals during construction activity and protecting surrounding open space to compensate for the loss.

This comment accurately characterizes some of the avoidance, minimization, and mitigation measures proposed in the Draft EIR.

**Response 19 X.**

The County of Ventura comments that because the Project site provides suitable habitat for many special-status species, and threat of loss to development is low with the current zoning, the protection of surrounding habitats is not sufficient to reduce impacts to a level less than significant.

The Draft EIR acknowledges that the Project provides suitable habitat for many special-status species; suitable habitat for on-site species is described and quantified in the Draft EIR. As described above in Response 19-V, the alternative that includes current zoning, Alternative 1: Existing General Plan Buildout Alternative, was rejected as an alternative for analysis in the Draft EIR, for several reasons, including three reasons directly related to biological impacts:

- Would increase level of development and most impacts.
- Would place more development in high-value California condor habitat.
- Would not avoid other significant environmental impacts.

Draft EIR, page 6-7.

Furthermore, the degree to which Alternative 1 would result in greater or lesser impacts to special-status species is not relevant to the determination of significance for the Project-specific biological resources analysis presented in the Draft EIR and identification of mitigation measures that would reduce significant impacts to a level less than significant. The proposed Project, together with the alternatives, will be considered by decision makers in evaluating whether or not to approve the Project as proposed. Lastly, the Draft EIR does not state that protection of “surrounding habitat” will be used to reduce Project-specific impacts to less than significant. Rather, for special-status species, the Draft EIR states on-site avoidance, such as Project open space and Special Management Areas, in a configuration to provide for protection and management of special-status species, along with other general and species-specific avoidance, minimization, and mitigation measures as appropriate, will be sufficient to reduce identified impacts to a level less than significant.

**Response 19 Y.**

The County of Ventura comments that the Project would have significant and unavoidable impacts to rare, threatened, and endangered species because there would remain a net loss of suitable habitats, and the net loss is large, relative to planned and approved development projects in the region.

First, a net loss of habitat for a special-status species alone does not necessarily result in a significant and unavoidable loss. A small net loss of habitat for a special-status species may not rise to a level of significance, and a larger, significant net loss of habitat may be mitigated to a level less than significant. These determinations must be made in the context of the established thresholds of significance, as on pages 4.4-78 and 4.4-79 of the Draft EIR.
The Draft EIR acknowledges that there would be permanent loss of habitat on site for special-status species and concludes that the permanent loss of habitat would be significant for several of these species. The Draft EIR described mitigation measures to reduce these identified significant impacts to a level less than significant. These impacts are not regarded as significant and unavoidable because avoidance, minimization, and mitigation measures are incorporated in the Project for each special-status species described in the Draft EIR.

With regard to other planned and approved development projects, the Project-level impacts analyzed in the Draft EIR properly focus on Project-specific impacts and do not compare the Project to planning and approved development projects in the region, which are considered in the context of cumulative impacts. The cumulative analysis in Section 4.4.5, CUMULATIVE IMPACTS, analyzes impacts to biological resources based on specific projects in the vicinity of the Tejon Mountain Village Project site that have been either approved or are currently under consideration. This analysis considered cumulative impacts within the range of each special-status species for which there is an actual or potential significant adverse cumulative project impact, or for which scoping questions were raised regarding potential impacts to a species’ range (see Section 3.7, CUMULATIVE EFFECTS OVERVIEW, page 3-49, of the Draft EIR). In addition, the cumulative impacts analysis considered the Ranchwide Agreement (Tejon Ranch Conservation and Land Use Agreement). The Ranchwide Agreement provides for the permanent preservation of approximately 90% of Tejon Ranch, in a combination of donated conservation easements, conservation easement acquisition areas, and designated open space areas within future development areas (including the open space areas of the proposed Project, as described in Section 4.2, AGRICULTURAL RESOURCES; noted in Chapter 3, PROJECT DESCRIPTION; and depicted in Figure 3-10 of the Draft EIR). The cumulative analysis also considers the Tehachapi Upland Multiple Species Habitat Conservation Plan (TUMSHCP), which is pending with the USFWS. The intent of the TUMSHCP is to meet the requirements for a USFWS Section 10(a)(1)(B) Incidental Take Permit for 27 Covered Species, including the California condor. The TUMSHCP Covered Lands occur in Kern County and would encompass 141,886 acres of the 270,365-acre Tejon Ranch. The TUMSHCP is designed primarily to preclude development and protect as open space in perpetuity a minimum of 82% of the Covered Lands (including the whole of an identified Condor Study Area) and up to 91% of the Covered Lands if options to acquire additional conservation easements are exercised as authorized by the Ranchwide Agreement.

The Draft EIR cumulative impacts analysis states:

The proposed Tejon Mountain Village Project would result in impacts on special-status species characteristic of the Tehachapi Uplands as described under Impact 4.4-1, some of which are considered significant. Together with the Tehachapi Uplands development projects on the cumulative projects list, effects on special-status species may be regarded as cumulatively considerable. Species potentially affected are analyzed in Table 4.4-163. The Ranchwide Agreement and TUMSHCP projects on the cumulative project list would result in substantial conservation for these species where they occur, and mitigation is proposed by Tejon Mountain Village for effects on special-status species as described under Impact 4.4-1. Taken together, the conservation proposed by the Ranchwide Agreement and the TUMSHCP, and mitigation for special-status species proposed by Tejon Mountain Village would result in less-than-significant cumulative impacts to special-status species within the cumulative study areas. Because the combined effects of the cumulative projects and associated conservation and mitigation would result in less-than-significant effects to special-status species within the cumulative study area, effects on special-status species throughout their range would also be less than significant. In fact, conservation and mitigation as proposed by the Ranchwide Agreement, the TUMSHCP, and the
Tejon Mountain Village project would likely benefit protection and conservation of special-status species within their range.

Draft EIR, page 4-452.

Response 19 Z.

The County of Ventura correctly states that the Draft EIR finds that the level of significance for impacts to sensitive natural communities and wetlands would be reduced by mitigation measures to a less-than-significant level.

Impacts to sensitive vegetation communities, including wetland vegetation communities, are discussed on 4.4-380 of the Draft EIR. Table 4.4-157 (Draft EIR, pages 4.4-401 through 416) summarizes the following information with respect to special-status vegetation communities: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

Response 19 A2.

The County of Ventura states that the Draft EIR suggests that impacts to sensitive natural communities, including wetland vegetation communities, are reduced to less than significant because the proposed Project conserves open space.

In addition to conservation of open space, the Draft EIR includes a variety of mitigation measures, which mitigate for impacts to sensitive vegetation communities, including wetland vegetation communities. For example, as described in Table 4.4-157, at pages 4.4-407 through 4.4-408, short-term impacts to riparian and bottomland habitat are mitigated to less than significant by mitigation measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-23, 4.4-31, 4.4-32, 4.4-39, and 4.4-47:

4.4-8 requires pre-construction educational meetings, construction-limit staking, and biological monitoring during vegetation clearing and grading activities.

4.4-9 requires construction plans to include project design features, construction notes, erosion and dust controls, and the implementation of a stormwater pollution prevention plan that includes BMPs to protect adjacent habitats and sensitive vegetation communities during construction.

Implementation of 4.4-10 would avoid and minimize potential indirect short-term dust and fine particulate-related impacts to sensitive vegetation communities to below a level of significance by specifically requiring dust management plans to be in compliance with San Joaquin Air Pollution Control District Regulation VIII.

4.4-12 would require that the project open space is legally protected by an easement or deed restriction, which would cover approximately 21,335 acres of project open space. The project open space conserves approximately 68% of the riparian and bottomland habitat on the project site.

4.4-15 would require compliance with Regional Water Quality Control Board regulations, which would address the potential effects of pollutants and alterations of hydrology on these vegetation communities.
4.4-23 includes Special Management Areas that have been established that require either avoidance or performance measures to avoid or minimize impacts to biological resources. The project open space and Special Management Areas avoid approximately 68% of the riparian and bottomland habitat on the project site.

4.4-31 manages future grazing activities to avoid significant impacts to sensitive biological resources.

4.4-32 includes pre-construction diversion of all stream flows and measures that protect aquatic species and prevent mud and pollutants from entering streams and storm flows. This would reduce impacts from hydrological modifications and chemical releases.

4.4-39 restores areas disturbed by utility installations to pre-construction habitat types.

4.4-47 requires habitat creation, restoration, enhancement, and/or preservation of wetlands/waters and riparian habitat at a minimum of 1:1 for USACE- and DFG-jurisdictional areas.

As described in Table 4.4-157, on pages 4.4-408 through 4.4-409, long-term impacts to riparian and bottomland habitat are mitigated to less than significant by mitigation measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-31, 4.4-32, 4.4-37, 4.4-39, 4.4-47, and Section 4.8 Mitigation:

4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-23, 4.4-31, 4.4-32, 4.4-39, and 4.4-47, see above.

4.4-11 requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to sensitive vegetation communities.

4.4-13 requires implementation of a RMP that specifically identifies required resource management activities and the entities that would be responsible for managing those activities within each planning area.

4.4-14 would require implementation of an IPM plan, which would avoid and minimize impacts of pesticide products on adjacent project open space.

Implementation of 4.4-16 would avoid and minimize the potential effects of plant species infestations in project open space through the use of native and non-native, non-invasive species that do not require high irrigation rates in adjacent landscaped areas.

Implementation of 4.4-17 would avoid and minimize the potential effects of pets through imposing leash-only areas and through the control of stray and feral animals, which would reduce trampling of vegetation in open space.

4.4-18 would provide education to the public on the special-status biological resources in the project open space, which would aid in avoiding and minimizing impacts associated with vegetation trampling.

4.4-19 specifically limits the allowable uses of the project open space areas, which would avoid and minimize a range of potential long-term impacts.
4.4-20 requires a golf course maintenance plan, which would avoid and minimize the potential effects of the golf course on water quality.

4.4-21 requires the preparation and implementation of a FPP, which would reduce the potential of a fire in the development area from spreading into the open space areas.

4.4-37 places limitations on food sources for horses to prevent the spread and establishment of non-native plant species into open space.

Section 4.8, “HYDROLOGY AND WATER QUALITY,” mitigation measures avoid and minimize potential impacts to resources associated with hydromodification.

For impacts to Section 404 jurisdictional waters and wetlands, see also Table 4.4-159 on pages 4.4-421 through 4.4-423 of the Draft EIR. Table 4.4-159 summarizes the following information with respect to special-status vegetation communities: the affected resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

Response 19 B2.

The County of Ventura states that it is common practice to evaluate the significance of environmental impacts by comparing the extent of the property where the impact will occur with the extent of the proposed impact.

It is not common practice to compare the extent of the property where the impact will occur with the extent of the proposed impact. Rather, it is common practice, as one of the factors in the CEQA direct impacts analysis, to consider the extent of the impact relative to the extent of avoidance and minimization of a particular resource, in the context of the Project as proposed. This is an appropriate consideration regardless of the “extent of the property” affected by a proposed Project. For example, a small, less than 1-acre project in a salt marsh area could have a highly significant impact to biological resources, even if the impact itself were very small in terms of acreage. Conversely, a large infill project in an urban area affecting disturbed habitat may have a less-than-significant impact to biological resources, even though the Project itself and the acreage impact may be large.

Response 19 C2.

The County of Ventura states that the proposed Project contains extensive natural open space compared to the impact of the proposed Project.

Comment noted. The proposed Project would contain extensive natural open space compared to the impact of the proposed Project. As described in Section 3.5.1, PROPOSED PROJECT APPROVALS, on page 3-26, the proposed Project includes a development footprint of 5,082 acres and preservation of 21,335 acres of open space.

Response 19 D2.

The County of Ventura states that the Draft EIR assures the public that the impacts caused by the proposed Project would be less than significant because most of the Ranch would not be developed.

See Response 19-A2. Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR includes Mitigation Measure 4.4-12, which would require that the 21,335 acres of Project open space be legally protected by
an easement or deed restriction (see full text of Mitigation Measure 4.4-12 on page 4.4-125 of the Draft EIR). However, Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR also includes 55 other mitigation measures—4.4-1 through 4.4-11 and 4.4-13 through 4.4-56—to reduce impacts to biological resources to less than significant. These mitigation measures include avoidance, minimization, and mitigation measures such as pre-construction surveys and associated setbacks and relocations, homeowner education measures, and creation, restoration, and enhancement of habitat.

For a summary of how these biological mitigation measures mitigate impacts to special-status species to less than significant, see Table 4.4-153 on pages 4.4-240 through 4.4-377 of the Draft EIR. Table 4.4-153 summarizes the following information with respect to special-status species: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate impact/benefit that species, and the significance of the impact after mitigation.

For a summary of how these biological mitigation measures mitigation impacts to special-status vegetation communities see Table 4.4-157 on pages 4.4-410 through 4.4-416 of the Draft EIR. Table 4.4-157 summarizes the following information with respect to special-status vegetation communities: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

For a summary of how these biological mitigation measures mitigate impacts to Section 404 jurisdictional waters and wetlands, see also Table 4.4-159 on pages 4.4-421 through 4.4-423 of the Draft EIR. Table 4.4-159 summarizes the following information with respect to special-status vegetation communities: the affected resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

Regarding Impact 4.4-4: Interfere Substantially with the Movement of any Native Resident or Migratory Fish or Wildlife Species or Established Native Resident or Migratory Wildlife Corridors or Impede the Use of Native Wildlife Nursery Sites, the following mitigation measures would reduce potential Project impacts to less than significant: 4.4-1, 4.4-11 through 4.4-14, 4.4-18 through 4.4-20, 4.4-26, 4.4-29, 4.4-31, 4.4-36, and 4.4-37. See the discussion of those mitigation measures at pages 4.4-339 and 4.4-440 of the Draft EIR.

For a summary of how these biological mitigation measures mitigate impacts related to Impact 4.4-5: Conflict with Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance, see Table 4.4-162 on pages 4.4-446 and 4.4-47 of the Draft EIR. Table 4.4-162 summarizes the following information with respect to oak resources: the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

For a summary of impacts related to Impact 4.4-6: Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan, see the Draft EIR at pages 4.4-447 through 4.4-449. Because the proposed Project does not conflict with the provisions of an adopted HCP, natural community conservation plan, or other approved local, regional, or state HCP, no mitigation is proposed.

Response 19 E2.

The County of Ventura states that the Draft EIR does not fully disclose how the net loss of thousands of acres of suitable habitat for special-status species, sensitive plant communities, and wetlands will affect the biological resources of the region.
See Responses 19-Y and 19-D2, above. The Draft EIR acknowledges that there would be permanent loss of habitat on site for special-status species, special-status vegetation communities, and wetlands, and concludes that the permanent loss of habitat would be significant for several of these species, vegetation communities, and wetlands. The Draft EIR describes mitigation measures to reduce these identified significant impacts to a level less than significant. These impacts are not regarded as significant and unavoidable because avoidance, minimization, and mitigation measures are incorporated in the proposed Project for each special-status species, special-status vegetation community, and jurisdictional wetland described in the Draft EIR.

With regard to how the proposed Project will affect biological resources of the region, the cumulative analysis in Section 4.4.5, CUMULATIVE IMPACTS, analyzes impacts to biological resources based on specific projects in the vicinity of the Tejon Mountain Village Project site that have been either approved or are currently under consideration. This analysis considered cumulative impacts within the range of each special-status species for which there is an actual or potential significant adverse cumulative project impact, or for which scoping questions were raised regarding potential impacts to a species’ range (see Section 3.7, CUMULATIVE EFFECTS OVERVIEW, page 3-49, of the Draft EIR). In addition, the cumulative impacts analysis considered the Ranchwide Agreement (Tejon Ranch Conservation and Land Use Agreement) with several major environmental organizations. The Ranchwide Agreement provides for the permanent preservation of approximately 90% of Tejon Ranch, in a combination of donated conservation easements, conservation easement acquisition areas, and designated open space areas within future development areas (including the open space areas of the proposed Project, as described in Section 4.2, AGRICULTURAL RESOURCES; noted in Chapter 3, PROJECT DESCRIPTION; and depicted in Figure 3-10 of the Draft EIR). The cumulative analysis also considered the TU MSHCP, which is pending with the USFWS. The intent of the TU MSHCP is to meet the requirements for a USFWS Section 10(a)(1)(B) Incidental Take Permit for 27 Covered Species, including the California condor. The TU MSHCP Covered Lands occur in Kern County and would encompass 141,886 acres of the 270,365-acre Tejon Ranch. The TU MSHCP is designed primarily to preclude development and protect as open space in perpetuity a minimum of 82% of the Covered Lands (including the whole of an identified Condor Study Area) and up to 91% of the Covered Lands if options to acquire additional conservation easements are exercised as authorized by the Ranchwide Agreement.

The Draft EIR cumulative impacts analysis states on page 4.4-452:

The proposed Tejon Mountain Village Project would result in impacts on special-status species characteristic of the Tehachapi Uplands as described under Impact 4.4-1, some of which are considered significant. Together with the Tehachapi Uplands development projects on the cumulative projects list, effects on special-status species may be regarded as cumulatively considerable. Species potentially affected are analyzed in Table 4.4-163. The Ranchwide Agreement and TU MSHCP projects on the cumulative project list would result in substantial conservation for these species where they occur, and mitigation is proposed by Tejon Mountain Village for effects on special-status species as described under Impact 4.4-1. Taken together, the conservation proposed by the Ranchwide Agreement and the TU MSHCP, and mitigation for special-status species proposed by Tejon Mountain Village would result in less-than-significant cumulative impacts to special-status species within the cumulative study areas. Because the combined effects of the cumulative projects and associated conservation and mitigation would result in less-than-significant effects to special-status species within the cumulative study area, effects on special-status species throughout their range would also be less than significant. In fact, conservation and mitigation as proposed by the Ranchwide Agreement, the TU MSHCP, and the Tejon Mountain Village Project would likely benefit protection and conservation of special-status species within their range.
Response 19 F2.

The County of Ventura states that the Draft EIR should objectively inform the public that the proposed Project will result in a large net loss of suitable habitat for special-status species, sensitive plant communities, wetlands, and regional habitat connectivity, despite attempts to lessen construction and operational impacts. The County of Ventura states that the Draft EIR should analyze how that net less will affect the region’s biological resources.

Regarding the net loss of suitable habitat for special-status species, sensitive plant communities, and wetlands in the context of regional biological resources, see Response 19-E2.

Regarding the net loss of regional habitat connectivity, the Draft EIR acknowledges that there would be permanent impacts to regional habitat connectivity and concludes that these impacts would be less than significant. See Draft EIR, Section 4.4, BIOLOGICAL RESOURCES, at page 4.4-431:

As discussed below, the project would completely avoid a large contiguous wildlife linkage to the north and east of the site that encompasses the substantial majority of the land in the western Tehachapi landscape. The Project’s open areas, which comprise approximately 81% of the site, would be integrated with and support this linkage. Wildlife linkage functions would also be maintained in the lower density portions of the project’s development envelope and would also be expected to persist in certain higher density portions of the development envelope. Several of the project’s proposed biological resource mitigation measures would further reduce impacts on potential species movement. The regional wildlife linkage would connect directly with the most heavily used Interstate 5 undercrossings identified in the camera study and maintain existing movement at these locations. As a result, the project would not significantly affect movement of native resident or migratory species in the western Tehachapi landscape.
Comment Letter 20

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

July 13, 2009
Craig Murphy
County of Kern
Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Subject: Comments on Proposed Project
Project: DEIR for the Tejon Mountain Village Project
District Reference No: 20090339

Dear Mr. Murphy:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village Project. Tejon Mountain Village is located approximately 40 miles south of Bakersfield and 60 miles north of Los Angeles on property owned by the Tejon Ranch Company. The proposed project would include 3,450 dwelling units, 160,000 square feet of commercial development and 350,000 square feet of facilities in support of specific uses that include two 18-hole golf courses, riding and hiking trails, equestrian facilities, two helipads and fire station. The District offers the following comments:

District Comments

1. The District concurs with the Draft EIR that without mitigation the project will have a significant impact on air quality in the San Joaquin Valley. The District recommends all mitigation measures be made a condition of approval.

2. The District has entered into a Voluntary Emission Reduction Agreement (VERA) with the project proponent. As presented in the Draft EIR, a VERA can reduce project specific impacts on air quality to less than significant levels.

Sincerely,

Serdyn Skordia
Executive Director/Air Pollution Control Director

Northern Region
4000 Gurney Lane
Madera, CA 93638-9713
Tel: (559) 557-6400 FAX: (559) 557-6405

Central Region (Main Office)
1320 E. Hethwood Avenue
Fresno, CA 93720-9244
Tel: (559) 231-8600 FAX: (559) 231-8601

Southern Region
2700 M Street, Suite 100
Bakersfield, CA 93301-2670
Tel: (661) 328-4100 FAX: (661) 328-4105
3. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:

- Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements.

- Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. If there are questions regarding health risk assessments, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at hramodeler@valleyair.org. Additional information on TACs can be found online by visiting the District’s website at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

4. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made as a condition of project approval. Information about how to comply with District Rule 9510 can be found online at http://www.valleyair.org/SRISRBHome.htm.

5. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4801 (Architectural Coatings), and Rule 4841 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will
be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

6. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District’s Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

7. The District recommends that a copy of this letter be provided to the project proponent.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call David McDonough at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permit Services

Arnaud Marjollet
Permit Services Manager

DW: dm
San Joaquin Valley
Air Pollution Control District

Fax Transmittal
1990 E. Gettyburg Avenue
Fresno, California 93726-0244
Finance Phone (559) 230-6020
Personnel Phone (559) 230-6010

Date : July 13, 2009
To : Craig M. Murphy
From : David McDonough
Fax Number : (559) 862-8601
Number of pages (includes cover sheet): 4

Description :
Comments on DEIR for the Tejon Mountain Village Project.

☐ Per Your Request ☒ For Your Information
☐ Per Our Conversation ☐ For Your Approval
☐ Take Appropriate Action ☐ Review & Comment
☐ Please Answer ☐ Review & Return

Original transmittal will follow via mail

Remarks / Response : The hardcopy will be mail out today.

____________________________
____________________________
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____________________________

FaxTransmittal 7-13-2009 11:32 AM

County of Kern
Chapter 7. Responses to Comments
Comment Letter 20.  San Joaquin Valley Air Pollution Control District (July 13, 2009)

Response 20 A.

Thank you for your comment. The comment from the San Joaquin Valley Air Pollution Control District (SJVAPCD) states that SJVAPCD has reviewed the Draft EIR, and accurately describes the proposed Project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 20 B.

The commentor notes its concurrence with the Draft EIR’s conclusion that, without mitigation, the Project will result in significant impacts on air quality within the San Joaquin Valley Air Basin (SJVAB). The comment is noted in the record and will be provided to the Planning Commission and the Board of Supervisors.

Commentor recommends that all mitigation measures be made a condition of Project approval. Kern County, as lead agency, agrees. If the project is approved, all mitigation measures identified in the environmental document will be included as conditions of approval for the proposed Tejon Mountain Village Special Plan No. 1, Map 256 and will be included in the proposed Tejon Mountain Village Specific Plan. A Mitigation Monitoring Program (MMP) will be prepared for the proposed project and attached to the Staff Reports for consideration by the Planning Commission and the Board of Supervisors at the time of the public hearing.

Pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a), when approving a project that contains mitigation measures, the lead agency must adopt a mitigation monitoring or reporting program. Mitigation monitoring and reporting is designed to implement one of CEQA’s fundamental purposes – to reduce significant effects when it is feasible to do so. Public Resources Code §§ 21002; 21002.1(a)-(b). Mitigation monitoring ensures that measures will actually be implemented. See e.g. Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261.

The MMP is included as Appendix G of the Tejon Mountain Village Specific and Community Plan and Special Planning District. "The TMV Specific Plan and the EIR have been prepared concurrently in order to maximize potential impact avoidance, minimization and, if necessary, mitigation through project design and project implementation measures, and to maintain consistency between both documents." Appendix B-1, "TMV Specific and Community Plan and Special Planning District," at 1-10. Based upon the County approval process, the Project must comply with all applicable development regulations, implementation requirements, and mitigation measures of the Specific Plan and its appendices. Appendix A, "TMV Special Planning District Plan," Sheet 15. In this way, approval of the Specific Plan will include approval of the EIR mitigation measures and the MMP, as well as other regulations, restrictions, and design features set forth in the respective plan documents (such as the Design Guidelines). See also Kern County Zoning Ordinance, Chapter 19.52.160, stating that plans within the SP District shall be adopted and approved by ordinance and "shall include all standards and conditions approved in connection with the review of the site application." Accordingly, if the County approves the Project, both CEQA law and the Kern County approval process will require it to adopt the proposed MMP.
The MMP identifies, "Responsible Monitoring Agency," "Time Frame for Implementation", and "Steps to Compliance," for each mitigation measure. Exhibit C, Table 1-2, Mitigation Monitoring Program for Tejon Mountain Village Draft Environmental Impact Report. This information allows decision-makers and the public to understand 1) that each mitigation measure will be implemented; 2) which entity(ies) are responsible for overseeing the implementation of each mitigation measure; and 3) how these entities will ensure that each mitigation measure is implemented. The "Steps to Compliance" component is particularly instructive, as it guides those entities charged with oversight with those steps at which they will be involved or have an approval role. The detail contained within the proposed MMP exceeds what is required under the law. See e.g. Christward Ministry v. County of San Diego (1993) 13 Cal.App.4th 31, 36 & 49 (upholding a mitigation monitoring plan as compliant with Public Resources Code Section 21081.6 that set forth only that phase of the project at which each mitigation measure must be implemented and what entity was responsible for implementing each measure).

Neither the Public Resources Code nor the CEQA Guidelines specify the required frequency or duration of the monitoring, nor do they specify detailed requirements for the specific content of mitigation monitoring or reporting programs. Agencies have substantial flexibility in adopting monitoring and reporting programs. See Rio Vista Farm Bureau Center v. County of Solano (1992) 5 Cal.App.4th 351, 380 (upholding a mitigation monitoring program as legally sufficient under the rule of reason). However, the frequency and duration of monitoring will, to some extent, be controlled by agencies' obligation to ensure that mitigation measures are implemented pursuant to Public Resources Code Section 21081.6(a)(1) and that mitigation measures are fully enforceable pursuant to Public Resources Code Section 21081.6(b). The frequency and duration of oversight will vary according to the requirement or measure at issue and when it is required to be implemented. See CEQA Guidelines § 15097(c)(3) (stating that "monitoring ensures that project compliance is checked on a regular basis during and, if necessary after implementation").

Pursuant to CEQA Guidelines Section 15097(a), an agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation, however if monitoring is delegated, the lead agency remains responsible for ensuring that the mitigation measures are implemented as provided by the program. Accordingly, Kern County will be responsible for ensuring that each of the mitigation measures are implemented, to the degree that it will oversee the respective entities that have been delegated individual oversight.

Response 20 C.

Commentor notes that it has entered a Voluntary Emission Reduction Agreement (VERA) with the Project applicant. Commentor states its belief that the VERA can reduce Project-specific air quality impacts to less than significant levels. The comment has been noted in the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 20 D.

Commentor notes that new development may require further environmental review and mitigation, and makes recommendations regarding future development. All SJVAPCD permitting requirements will be followed for any applicable Project component. In addition, any further environmental review that is required by CEQA will be conducted. The SJVAPCD's specific recommendations are addressed below.
Response 20 E.

Commentor notes that accurate quantification of health risks and operational emissions requires detailed site-specific information, which is generally not available until Project-specific approvals are being granted. The commentor recommends that potential health risks be further reviewed during future approval processes, including those that would be exempt from the CEQA process.

The Draft EIR includes an analysis of potential health risks to sensitive receptors from the Project. Draft EIR at 4.3-140 to 4.3-147. In addition, a Screening-Level Air Quality Risk Assessment (Preliminary Risk Assessment) was conducted. Draft EIR, Appendix D-6. Based on the results in the Preliminary Risk Assessment, the Draft EIR concluded that the Project would not have any significant impacts on sensitive receptors.

Commentor is correct that detailed, site-specific information about certain Project components may not be available until specific approvals are sought. The Project applicant will comply with all SJVAPCD permitting procedures, including with regard to evaluation of health risks. Potential health risks will be considered for all Project components, regardless of whether additional CEQA review is required.

Response 20 F.

Commentor notes that specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If analysis indicates that TACs are a concern, a health risk assessment (HRA) should be performed. Should an HRA be required, the commentor recommends that the Project applicant contact the SJVAPCD to review the proposed modeling approach. The commentor provides contact information and sources for additional information regarding HRAs.

The comment has been noted in the record and will be provided to the Planning Commission and the Board of Supervisors.

As explained in Response 20-E, above, a Preliminary Risk Assessment was conducted for the Project, which indicated that the Project will not expose sensitive receptors to significant risks associated with TACs. The Draft EIR includes Mitigation Measure 4.3-15, which requires a setback for residential structures of 300 feet from areas with more than one potential source of TACs, and a setback for all sensitive land uses of 500 feet from Interstate 5. The Preliminary Risk Assessment was prepared by following California Environmental Protection Agency Office of Environmental Health Hazard Assessment guidance, as recommended by the SJVAPCD. (See Draft EIR, Appendix D-6 at ES-1.) However, as detailed information about specific Project components becomes available, the County will determine whether it suggests additional risks posed by TACs are present, in which case additional analysis will be performed. Any additional analysis that is performed will comply with SJVAPCD procedure. The Project applicant will contact the SJVAPCD prior to conducting additional analysis. Any specific questions will be referred to Mr. Leland Villalvazo, as suggested by commentor.

Response 20 G.

Commentor notes that individual development projects would be subject to SJVAPCD Rule 9510 (Indirect Source Review (ISR)), and lists the triggers for ISR Rule compliance. The commentor recommends that demonstration of compliance with the ISR Rule, prior to issuance of the first building permit for each Project phase, be made a condition of Project approval. Commentor provides a source for additional information about the ISR Rule.

As described in the Draft EIR and as recognized by the commentor in its comment letter, the Project applicant has entered a VERA with the SJVAPCD that commits the Project to emission reductions...
beyond what would otherwise be required by the ISR Rule. Draft EIR at 4.3-60, 4.3-95 to 4.3-99. This commitment applies to the entire Project. Thus, the Project will comply with the ISR Rule. The VERA requires the Project applicant to submit an ISR application at each phase of the development, which will be reviewed and approved by the SJVAPCD. This will ensure compliance with the ISR Rule.

Response 20 H.

Commentor notes that individual development projects may also be subject to the following SJVAPCD rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4210 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The Project will comply with all SJVAPCD rules, including those listed above. Additional rules that may be applicable to the Project are described in the Draft EIR. Draft EIR at 4.3-55 to 4.3-60. Each rule mentioned by the SJVAPCD is discussed below.

**Regulation VIII (Fugitive PM10 Prohibitions)** includes the SJVAPCD's fugitive dust rules including requirements regarding: general activities; construction, demolitions, excavations, extraction, and other earth moving activities; bulk materials; carryout and trackout; open areas; paved and unpaved roads; and unpaved vehicle/equipment traffic areas.

The Draft EIR includes Mitigation Measure 4.3-2, which requires the Project applicant to implement a number of dust-control practices, and submit a Dust Control Plan to the SJVAPCD for approval at least 30 days before any earthmoving or construction activities. Draft EIR at 4.3-113 to 4.3-117. In addition, Mitigation Measure 4.3-3 requires owners, developers, and/or successors-in-interest to comply with all other requirements of Regulation VIII.

Rule 4102 (Nuisance) states that no person shall discharge from any source whatsoever such quantities of air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; that endanger the comfort, repose, health, or safety of any such person or the public; or that cause or have a natural tendency to cause injury or damage to business or property.

No discharges of air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public; that endanger the public; or that cause injury or damage to business or property is anticipated for the Project. As described in the Draft EIR, a variety of mitigation measures are imposed to minimize the Project's air quality impacts. However, the Project will comply with Rule 4102, as applicable.

**Rule 4601 (Architectural Coatings)** limits VOC emissions from architectural coatings. This rule specifies architectural coating storage, cleanup, and labeling requirements. It is applicable to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating, or who manufactures any architectural coating for use within the SJVAPCD.

The Project will comply with Rule 4601, as applicable. Mitigation Measure 4.3-5 requires builders, developers and custom lot owners to use low VOC compound finishes, as practicable, including, but not limited to, those found in paints, coatings, adhesives and sealants, carpet, and composite woods. Draft EIR at 4.3-117.

**Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)** limits VOC emissions by restricting the application and manufacturing of cutback asphalt, slow cure asphalt, and emulsified asphalt for paving and maintenance operations. If asphalt paving will be used, paving operations will be subject to this rule.
The Project will comply with Rule 4641, as applicable. Any asphalt paving used for the Project will comply with Rule 4641.

**Response 20 I.**

Commentor notes that, in the event an existing building will be renovated, partially demolished or removed, the Project may be subject to SJVAPCD Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Should any of these activities occur, the Project will comply with Rule 4002, in particular with respect to any asbestos-containing material encountered.

**Response 20 J.**

Commentor notes that the rules listed above are not exhaustive or exclusive. The commentor encourages the Project applicant to contact the SJVAPCD's Small Business Assistance Office to identify all potentially-applicable rules or regulations and to obtain information about permit requirements. The comment has been noted in the record and will be provided to the Planning Commission and the Board of Supervisors. The Draft EIR recognizes that a number of SJVAPCD's rules and regulations may apply to the Project. Draft EIR at 4.3-55 to 4.3-60. The Project will comply with all applicable SJVAPCD rules and regulations, and the Project applicant will contact the SJVAPCD's Small Business Assistance Office to ensure that all applicable rules and regulations are identified.

**Response 20 K.**

Commentor recommends that a copy of its letter be provided to the Project proponent. A copy of the letter will be provided as suggested.
Comment Letter 21

Mr. Craig Murphy
Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield CA 93301

RE: Tejon Mountain Village

July 13, 2009

Dear Mr. Murphy:

Thank you for the opportunity to comment on the Tejon Mountain Village Project. The Project site encompasses approximately 26,417 acres in southern Kern County, California, east of Interstate 5. The Project involves entitlements that would allow for the development of up to 3,450 residential units, 160,000 square feet of commercial development, 750 hotel/resort lodging units, two 18-hole golf courses, and additional support facilities. The Project, at full build-out, may generate approximately 51 tons of solid waste per day.

The Kern County Waste Management Department (Department) operates the public landfill system in Kern County, and is a responsible agency for solid waste resources under the California Environmental Quality Act.

The Department agrees that mitigation measures 4.16-9 through 4.16-13 will reduce the impact the Project will have on the Bena Sanitary Landfill. However, residential solid waste collection in Kern County is handled using a franchise system. The local hauler for the Project area is Mountainside Sanitation. Currently, residential and local self-haul waste is transported to the Lebec Transfer Station.

The Lebec Transfer Station is a medium volume transfer station designed and constructed to accommodate the planned build-out of the surrounding areas general and local specific plans. The increased waste generation by the Project, above the current anticipated growth for the area, will exceed the remaining functional capacity of the Lebec Transfer Station. This will require the Department to both upgrade the transfer station’s permit to a full Solid Waste Facility Permit, and construct site improvements to accommodate the additional waste stream.

Rather than expand the existing facility or construct a new transfer station, the Department proposes to construct a trans-load docking facility to consolidate packer loads of waste and/or recyclables into large trailers for efficient transfer. This will reduce impacts to the functional capacity of the Lebec Transfer Station and minimize air impacts from transport. A trans-load facility also requires the least capital expenditure.

Therefore, in addition to the already incorporated mitigation measure, the Department requests that the Project include the following additional mitigation measure:

Winner of local, state and national awards for innovation and efficiency.
"Prior to the first issuance of a Certificate of Occupancy for a residential structure, the applicant will provide the Kern County Planning Department with confirmation from the Kern County Waste Management Department that it has received adequate payment to build the necessary solid waste trans-load facility at the Lebec Transfer Station."

The Bena Sanitary Landfill is currently permitted to accept sludge from wastewater treatment plants. However, the Bena Sanitary Landfill does not accept this material on a regular basis. The disposal of this material may require several operational changes at the facility. Please contact Brian Klett at (661) 862-8940 regarding waste acceptance criteria for wastewater treatment plant sludge.

The Department looks forward to working closely with the Tejon Mountain Village and Kern County Planning Department on the proposed Project to reduce its impact on the Solid Waste Disposal System of Kern County. If you have any further questions please contact Donn Ferguson at (661) 862-8765.

Sincerely,

[Signature]

P.E.
ring Manager
Comment Letter 21, Cont.

**Pro-Rata Shares Using Estimated 2026 Data**

**Frazier Mountain Area Waste and Recyclables**

<table>
<thead>
<tr>
<th>Lebec Transfer Station (2008)</th>
<th></th>
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<tbody>
<tr>
<td>Waste and Recycling</td>
<td>6,634.32 tons</td>
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<tr>
<td>Manure</td>
<td>87.27 tons</td>
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<tr>
<td>Drop-off Recycling</td>
<td>136.55 tons</td>
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<tr>
<td>Waste/recycling minus Manure and Drop-off</td>
<td>6,410.51 tons</td>
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<tr>
<td>Waste Hauled to Bena</td>
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<tr>
<td>Direct Transfers</td>
<td>2,977.00 tons</td>
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**Frazier Mountain/Lebec Area Waste and Recyclables**

Projected in 2026

10% growth over 15 year period

Total: 10,326.26 tons

**Tejon Mountain Village**

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<thead>
<tr>
<th>Estimated Annual Tejon Mountain Tonnages</th>
<th>Estimated Daily Generation (tons)</th>
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<th>Annual Generation</th>
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<td>Residential Waste</td>
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<td>365</td>
<td>4,903.47 tons</td>
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<td>Commercial Waste</td>
<td>0.48</td>
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<td>175.20 tons</td>
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<td>Hotel Waste</td>
<td>1.13</td>
<td>365</td>
<td>410.63 tons</td>
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<td>Golf Course</td>
<td>7.70</td>
<td>365</td>
<td>2,810.50 tons</td>
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<tr>
<td>Construction-Demolition Waste</td>
<td>1.77</td>
<td>365</td>
<td>857.75 tons</td>
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<tr>
<td>Wastewater Reclamation Plant</td>
<td>2.35</td>
<td>365</td>
<td>857.75 tons</td>
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<tr>
<td>Equestrian Centers Manure</td>
<td>21.25</td>
<td>365</td>
<td>7,756.25 tons</td>
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</table>

Subtotal: 18,683.60 tons

Wastewater Reclamation Plant/Equestrian Center Manure: -6,614.00 tons

Minus wastewater plant and equestrian center waste: 22.74 tons 10,069.60 tons

**Frazier Park Estates**

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<tr>
<th>Estimated Frazier Park Estates Tonnages</th>
<th>Estimated Daily Generation (tons)</th>
<th>Days</th>
<th>Annual Generation</th>
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<tbody>
<tr>
<td>Residential</td>
<td>3.85</td>
<td>365</td>
<td>1,406.38 tons</td>
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<tr>
<td>Commercial</td>
<td>0.45</td>
<td>365</td>
<td>163.05 tons</td>
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<tr>
<td>Construction-Demolition Waste</td>
<td></td>
<td></td>
<td>414.71 Tons</td>
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<tr>
<td>Total</td>
<td>4.30</td>
<td>365</td>
<td>1,984.13 tons</td>
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</table>

**Estimated Tons Generated 2026 (Handle @ Transfer Station)**

Frazier Mountain/Lebec Area: 10,326.26 tons
Tejon Mountain: 10,069.80 tons
Frazier Park Estates: 1,984.13 tons

Total: 22,380.19 tons

**Pro-Rata Shares**

<table>
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COUNTY OF KERN

Waste Management

MEMO

To: Nancy Ewert
From: Michael Johnston
Subject: Lebec Trans-Load Facility – Conceptual Design and Cost Estimate
Date: July 31, 2009

The development of the Tejon Mountain Village will place an increased demand on the existing transfer facility which would surpass the capacity of the site. The purposes of the NEXUS studies are to evaluate the impact of developments in the Lebec area and determine mitigations for refuse handling in the area. Last year a conceptual design and estimated cost was done for a full transfer station. This study is to look at the construction of a trans-load facility on our property located next to the existing Lebec Transfer Station. This facility would handle commercial packer waste and would relieve the pressure on the existing transfer station and our current capacity for refuse handling.

The trans-load facility would consist of a gatehouse, concrete loading dock, asphalt concrete apron, and a storage area. Packers would come in and check in at the gatehouse. They would then proceed to the loading dock where they would off-load their loads directly into 50’ walking floors. The packers would then exit the site. When the walking floors are full they would be relocated to the storage area to await transport to an active landfill. An empty floor would then be placed at the loading dock. Empty walking floors would be kept in the storage area.

A request was made to create a conceptual design for a trans-load facility on the county owned property east of the existing transfer station and to develop estimated costs for the project. Some factors which were to be taken in to account in this conceptual design were:

- Will accommodate 50’ walking floors;
- Should be compatible with future development at the site including expansion of the trans-load facility or the construction of a new transfer station;
- Loading dock should accommodate 3 bays;
- Storage areas for empty and full walking floors;
- Possible improvement of the Lebec Road and Landfill Access Road intersection;
- Drainage of the site;
- Required studies such as traffic, seismic, and soils;
- All travel areas to be surfaced;
- Site security
Utilities including electricity, water, and telephone;

As part of the design, four possible locations for the facility at the site were evaluated. The preferred location was on the alluvial fan on the east end of the property. The other options were considered less desirable due to either too little area for maneuvering and/or incompatibility with current and future uses of the site. The preferred option is located in a large enough area to allow maneuvering of the walking floors and could be compatible with future uses of the site including expansion of the loading area or construction of a new transfer station.

The site currently slopes at 10%. It would need to be graded to create a pad which slopes at no more than 2%. This pad would be then be paved with asphalt concrete to prevent dust and to allow all-weather maneuvering. A paved access road would be constructed west of the current sump off of Landfill Access Road. Another paved interior road would be constructed from the northwest corner of the pad to connect to a storage area located just west of the alluvial fan area and along Landfill Access Road. This storage area would be surfaced with aggregate base. A gate would be installed on the south side of the storage area to allow access to Landfill Access Road. A gatehouse would be constructed on the access road just before the pad. Each interior road would require a structure to cross a drainage channel which runs across the site. Asphalt concrete tie-ins would be made where the facility ties into Lebec Access Road.

The current concrete loading dock at the Bena Sanitary Landfill, constructed in 2004, was used as basis for the conceptual design for trans-load facility loading dock. It was modified to include design features of an existing trans-load facility located as shown in pictures supplied to us.

Costs were determined by looking at recent projects from both Waste Management and Roads Departments. The E-Bid Board internet site was also researched to see the costs of similar projects in the state. The costs were then reviewed and modified as necessary after internal discussions to match the current construction climate and local conditions.

The Roads Department was consulted on what the costs would be to improve the Lebec Road and Landfill Access road intersection to allow for the turning movements of the walking floors which would be 65' in length. It was determined that the cost for constructing a 620' single lane would approximate all the various improvements which would need to be constructed including left and right turn lanes.

The final estimated cost after including design and construction contingencies would be $1,245,348.
Comment Letter 21, Cont.

Michael Johnston

07/31/2009

LEBEC TRANS-LOAD FACILITY COSTS

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Subtotal: 682,290

Transfer Structure: 170,000
Intersection Improv: 75,000
Gatehouse: 62,500
Sepsic: 28,000

Subtotal: 1,037,790

10% Design Contingency: 103,779
10% Construction Contingency: 103,779

TOTAL: 1,245,348
Comment Letter 21, Cont.
Comment Letter 21. Kern County Waste Management Department (July 13, 2009)

Response 21 A.

Thank you for your comment. The Kern County Waste Management Department's (KCWMD) comment accurately describes the proposed Project, including anticipated solid waste generation of 51 tons per day. As noted in Section 4.16, UTILITIES AND SERVICE SYSTEMS, this estimate assumes full-buildout, full-time occupancy, no-mitigation conditions. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 21 B.

The comment states that KCWMD operates the public landfill system in Kern County and is a responsible agency under CEQA. The Draft EIR lists KCWMD among the responsible agencies for the Project in Section 2.6.1. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 21 C.

The commentor agrees that Draft EIR Mitigation Measures 4.16-9 through 4.16-13 will reduce the Project's impact on Bena Sanitary Landfill. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 21 D.

Commentor states that Mountainside Sanitation is the local solid waste hauler. The comment states that residential and self haul in the Project area is transported to the Lebec Transfer Station. The information provided by the commentor regarding the Lebec Transfer Station is consistent with information contained in the Draft EIR on page 4.16-2 including a reference to the commentor as the information source. (Ewert pers. Comm.) As noted in the Draft EIR, the Lebec Transfer station collects solid waste from the Lebec and Frazier Park areas for transport to the Bena Sanitary Landfill. The additional information regarding Mountainside Sanitation is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 21 E.

Commentor explains that the Lebec Transfer Station as currently designed cannot accommodate additional waste stream from the Project. As such, the Project will require the Department to upgrade the transfer station's permit to a "Solid Waste Facility Permit," and construct site improvements to accommodate additional waste.

In response to this comment, Mitigation Measure 4.16-10 has been supplemented to require the Project to provide fair-share funding to the KCWMD to defray the cost of accommodating additional waste. The Nexus Study that provides the basis for the fair share fees as well as the conceptual design and estimated costs for the new KCWMD trans-load facility have been attached to this response.
Mitigation Measure 4.16-10: The project shall implement, to the extent feasible, the applicable waste-diversion and recycling measures identified by the Kern County Waste Management’s Department and the Sustainability Plan to reduce the project's long-term solid waste generation. In addition, the project shall provide funding on a fair-share basis to defray the costs incurred by the Kern County Waste Management Department (KCWMD) in constructing a trans-load facility designed to offset increased waste demand at the Lebec Transfer Facility. The project’s fair-share costs are estimated to be $560,407 based on the Nexus study provided by KCWMD. Prior to the issuance of any building permit, for the following land use development units, the project proponent shall pay the following project fair share costs (commercial support facilities are excluded):

Land Use Development Unit
a. Residential Unit $129 per dwelling unit.
b. Commercial $129 per 1,000 square feet of commercial development.
c. Hotel $129 per room.

Required fees are subject to the most current Consumer Price Index (CPI) as determined by the County Administrative Office. Prior to the issuance of the building permit for the 501st land use development unit, and at such time that KCWMD has indicated in writing that the Department has the remaining funds and necessary land use approval to construct the trans-load facility, the project proponent shall pay the remaining $495,907.

If at the building permit for the 501st land use development unit or thereafter, KCWMD does not have the necessary funds and or land use approval in place for construction of the trans-load facility, the County will continue to collect fair share costs at the building permit stage. The project proponent will not be required to pay any remaining fees until such time as indicated by the KCWMD. Once KCWMD has indicated in writing that the remaining fees are due and the amount, no building permits shall be issued for the project until the requested fees are paid in full.

Upon payment of the $495,907 (or remaining fees as indicated by KCWMD), the County will continue to collect the required fair share costs and shall reimburse the project proponent annually for any trans-load facility payments collected during the course of the year, until such time as the project has been completely built. If these improvements are not implemented, upon mutual agreement of the County and the Developer, fees can be used for recycling programs or other waste reduction measures.

This change will be noted in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Response 21 F.

The commentor states that in order to accommodate additional refuse, the Department proposes to construct a trans-load docking facility to consolidate packer loads of waste and/or recyclables into large trailers for efficient transfer. The compaction of waste and recyclables will result in fewer truck trips and a corresponding reduction in traffic and air quality impacts. Please refer to Response 21-E, regarding fair share funding to defray the cost of construction of this facility.

Response 21 G.

Commentor proposes a mitigation measure regarding payment to build the necessary solid waste trans-load facility. Please refer to Response 21-E, regarding fair share funding to defray the cost of construction of this facility.
Response 21 H.

Commentor notes that the Bena Sanitary Landfill is currently permitted to accept sludge from wastewater treatment facilities, but does not accept this material on a regular basis. The comment further notes that operational modifications would be required to accept this material for disposal. Consistent with current County policy, the Project does not include the disposal of this material in the Bena Sanitary Landfill or any other County landfill. Mitigation Measure 4.16-6 requires a demonstration that Project-generated biosolids will be disposed of at an authorized facility.

Response 21 I.

The comment notes that KCWMD looks forward to working with the Project applicant and the County Planning Department to reduce the Project's impacts on the County's solid waste disposal system. The comment provides contact information should any questions arise regarding KCWMD's comments. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 22a

Office Memorandum
KERN COUNTY

To: Planning Department
   Attn: Craig Murphy

From: Engineering & Survey Services Dept.
      Floodplain Management Section
      Aaron Leicht

Subject: Comments on Tejon Mountain Village Special Planning District Plan

Sheet 1

- Under General Notes, drainage (item #15) is noted to be handled by Kern County Flood Control. Based on information contained in the Draft EIR it appears that the applicant will provide a Property Owners Association or a Community Services District to maintain drainage facilities. Also, Kern County does not have a Flood Control District or Department.
- Deviation from K.C. Hillside development Ordinance Section 19.88. The citation for the K.C. Grading Code is incorrect. It should read 17.28
- The Special Plan requests deviation from Section 17.48.330 of the K.C. Floodplain Management Ordinance. Specifically, the deviation is a request to allow encroachment of High Hazard Areas if there is no increased flood risk. High Hazard Areas are well defined watercourses and overflow channels found on alluvial fans. Encroachment of these areas is prohibited under current regulations since obstructions placed within an alluvial channel tend to result in an avulsion or the redirection of the water out of the existing channel into another flow path. This by itself can be interpreted as an increased flood risk since the probability of flooding downstream of the obstruction is changed (re-increased). This Department recommends denial of this deviation from the Ordinance.
- Deviation from K.C. Development Standards Section 406-2.01 is requested for culverts which include a water quality or storage component and for culverts which outlet from detention basins. Water quality and storage components affects can be said to exist for any culvert since mitigation of erosion is always a primary concern in their design. This Department also already allows for additional headwater in the design of the outlet pipe for detention basins. This Department recommends denial of this deviation from the Standards.
- Deviation from K.C. Development Standards Section 410-1 and 410-2.01 is requested. These sections specify that constructed channels are to be designed to handle runoff from the CSDD with 1.0' of freeboard. The requested deviation does not provide an alternate storm event to be used in the design of the channel nor addresses an alternate freeboard. This leaves the design of such facilities ambiguous and decisions regarding their design
Comment Letter 22a, Cont.

arbitrary regardless of intended use. **This Department recommends denial** of this deviation from the Standards unless specific design criteria are provided addressing frequency and use of facility.

- **Deviation from K.C. Development Standards Section 410.6** is requested to exempt the project from the construction of chain link fencing along constructed channels. The request indicated fencing will be constructed in accordance with TMV Design Guidelines (Appendix B) and Frame Work Resource Management Plan (Appendix C). As currently written, granting this deviation would mean that no fencing would be required for constructed channels since the cited documents only relate to the aesthetic nature of fencing and not when fencing is needed. **This Department recommends denial** of this deviation from the Standards unless the request is revised to specify when safety fencing is required.

- **Deviation from K.C. Development Standards Section 410-7, Channel Right of Way requirements** has been requested. The request states that the facilities are privately owned and maintained and are to be designed in accordance with Sheet 4 of the TMV Special Planning District, the TMV Design Guidelines (Appendix B) and the TMV Frame Work Resource Management Plan (Appendix C). Like public maintenance entities, private maintenance entities need the right to enter and maintain the constructed facility. None of the documents cited provide guidance for establishing width of R/W for a constructed channel. This leaves decision of how much R/W is required arbitrary. **This Department recommends denial** of this deviation from the Standards unless it is revised to provide minimum R/W requirements.

- **Deviation from K.C. Development Standards Sections 411-6 and 411-7** has been requested. These sections deal with fencing and R/W for levees. Again, the cited design documents provide no guidance for when fencing is needed or how much R/W is required. **This Department recommends denial** of this deviation from the Standards unless it is revised to provide minimum safety design and R/W requirements.

**Sheet 4 - Infrastructure Development Standards**

- **Drainage Section – Culvert requirements** should be specified as being applicable to private roads and not those maintained by the County of Kern.
- **Grading Section – Citation of Grading Code Section** needs to be corrected to 17.28
Comment Letter 22a. Kern County Engineering & Survey Services Department, Aaron Leicht (July 15, 2009)

Response 22a A.

The Kern County Engineering & Survey Services Department (ESSD) comments that General Note 15 on Sheet 1 of the Tejon Mountain Village Special Planning District Plan (Special Plan) is noted to be handled by Kern County Flood Control, while the Draft EIR indicates that the applicant will provide a Property Owners Association or a Community Services District to maintain drainage facilities. The comment also notes that Kern County does not have a Flood Control District or Department. The comment is noted. Sheet 1 of the Special Plan will be revised to include the following reference: "Drainage: Home Owner Association, Assessment District, or similar entity", in place of "Kern County Flood Control".

Response 22a B.

ESSD comments that the Special Plan incorrectly references the K.C. Hillside development Ordinance Section 19.88 and that it should reference Section 17.28 instead. The comment is noted, and the reference to the K.C. Grading Code will be corrected to read 17.28.

Response 22a C.

ESSD recommends denial of the deviation from Section 17.48.330 of the Kern County Floodplain Management Ordinance requested in the Special Plan. ESSD notes that the deviation is a request to allow encroachment of High hazard Areas if there is no increased flood risk and that High Hazard Areas are well-defined watercourses and overflow channels found on alluvial fans. ESSD comments that encroachment of these areas is prohibited under current regulations since obstructions placed within an alluvial channel tend to result in an avulsion or the redirection of the water out of the existing channel into another flow path. The comment states that this by itself can be interpreted as an increased flood risk since the probability of flooding downstream of the obstruction is changed (re-increased). The comment is noted, and the requested deviation will be removed from the Special Plan given that this ordinance does not apply to Cuddy Creek. FEMA has previously established a floodway and has mapped base flood elevations and flood limits for the reach of Cuddy Creek from approximately the I-5 Freeway to Castac Lake. Since the area in question has been “mapped” by FEMA, Kern County does not consider the subject reach of Cuddy Creek to be an alluvial fan and therefore the high hazard area designation as defined in Section 17.48.330 does not apply.

Response 22a D.

ESSD recommends denial of the deviation from Development Standards Section 406-2.01 requested in the Special Plan. ESSD comments that the deviation is requested for culverts that include a water quality or storage component and for culverts that outlet from detention basins. The comment notes that water quality and storage components effects can be said to exist for any culvert since mitigation of erosion is always a primary concern in their design. ESSD notes that it already allows for additional headwater in the design of the outlet pipe for detention basins. The comment is noted, and the Special Plan will be modified to eliminate the request for this deviation.
Response 22a E.

ESSD recommends denial of the deviation from Development Standards 410-1 and 410-2.01 requested in the Special Plan unless specific design criteria are provided addressing frequency and use of facility. The comments notes that these development standards specify that constructed channels are to be designed to handle runoff from the CSDD with 1.0’ of freeboard. The requested deviation does not provide an alternate storm event to be used in the design of the channel nor addresses an alternate freeboard. The comment states that this leaves the design of such facilities ambiguous and decisions regarding their design arbitrary regardless of intended use. The comment is noted, and the Special Plan will be modified to eliminate the request for this deviation based upon the understanding that these standards only apply when a natural channel is modified to be a constructed channel. Currently, Development Standards Sections 410-1 and 410-2.01 would only apply to Cuddy Creek as this is the only natural channel proposed to be modified in a manner that would constitute a constructed channel via construction of training dikes / levees.

Response 22a F.

ESSD recommends denial of the deviation from Development Standards Section 410.6 requested in the Special Plan unless the request is revised to specify when safety fencing is required. The comment notes that this deviation is requested to exempt the Project from the construction of chain link fencing along constructed channels, and that the request indicated fencing will be constructed in accordance with TMV Design Guidelines (Appendix B) and Frame Work Resource Management Plan (Appendix C). The comment notes that as currently written, granting this deviation would mean that no fencing would be required for constructed channels since the cited documents only relate to the aesthetic nature of fencing and do not address when fencing is needed. The Special Plan will be modified to eliminate the request for this deviation based upon the understanding that these standards only apply to a constructed channel. Currently, Development Standards Section 410-6 would only apply to Cuddy Creek as this is the only natural channel proposed to be modified in a manner that would constitute a constructed channel.

Response 22a G.

ESSD recommends denial of the deviation from Development Standards Section 410.7 requested in the Special Plan unless it is revised to provide minimum safety design and right-of-way requirements. The comment notes that this request states that the facilities are privately owned and maintained and to be designed in accordance with Sheet 4 of the Special Plan, the TMV Design Guidelines (Appendix B), and the Frame Work Resource Management Plan (Appendix C). The comment notes that like public maintenance entities, private maintenance entities need the right to enter and maintain the constructed facility, and that none of the documents cited provide guidance for establishing width of right-of-way for a constructed channel, leaving the decision of how much right-of-way arbitrary. The comment is noted, and the Special Plan will be modified to eliminate the requested deviation based upon the understanding that these standards only apply to a constructed channel. Currently, Development Standards Section 410-7 would only apply to Cuddy Creek as this is the only natural channel proposed to be modified in a manner that would constitute a constructed channel.

Response 22a H.

ESSD recommends denial of the deviation from Development Standards Sections 411-6 and 411-7 requested in the Special Plan unless it is revised to provide minimum safety design and right-of-way requirements. The comment notes that these Development Standards deal with fencing and rights-of-way for levees and that the documents cited in the request for this deviation provide no guidance for when
fencing is needed or how much right-of-way is required. The comment is noted. Because these standards only apply to a constructed levee the Special Plan will be modified to eliminate the request for this deviation. Currently, Development Standards Section 411-6 and 411-7 would only apply to Cuddy Creek as this is the only location where levee(s) are proposed. Further Kern County review of fencing and easements/right-of-way requirements will occur at the tract map level of the project at which time request for deviation may be requested. Also, the only free standing levee (which is not also a roadway embankment) being proposed is the berm protecting the proposed waste water treatment facility. This berm will be the responsibility of the property owner to maintain (e.g. Tejon Castac Water District, the proposed Geologic Hazard Abatement District or the Property/Homeowner’s Association).

Response 22a I.

ESSD requested that culvert requirements for private roads be added to the Special Plan Section 3 a. (3)- Infrastructure Development Standards: Drainage Facilities (Refer to Sheet 4). The comment is noted, and the text of that Section of the Special Plan will be changed as follows:

(3) Drainage Facilities

Drainage control features shall be designed to minimize the potential for flooding, erosion, and runoff and the introduction of pollutants into the natural drainage features of the site. With the exception of items noted in the Deviations Matrix on Sheet 1, the design of the drainage system shall be in accordance with the Kern County Standards. In the public road sections of the Specific Plan area, the drainage system shall be designed in accordance with the Kern County Standards with the exception of those items noted specifically in the Deviations from Ordinances/Standards Matrix set forth on Sheet 1.

(a) Private Roadway and Parking Facilities: Drainage conveyance under roads shall be sized to adequately handle projected flows. Acceptable conveyances include concrete boxes, corrugated metal pipe, and/or plastic (ABS) pipe.

(b) Retention/Detention Facilities: Facilities will be designed and implemented to minimize impacts as identified in Appendix I-1 to the Draft EIR and will be in accordance with Kern County standards, the TMV Framework Resource Management Plan (Appendix C).

(c) Erosion Control Facilities: Disturbed slope areas shall be stabilized with deep-rooted, drought tolerant plant species for erosion control. Energy dissipaters such as riprap and drop structures shall be incorporated at the outlets of storm drains and along drainage conveyance swales to reduce flow velocities.

(d) Flood plain encroachments shall not translate into increased flood risk on-site or off-site and shall not result in increased flood risk to habitable structures.

Response 22a J.

ESSD noted a citation error in the Special Planning (SP) District Plan on Sheet 4. In the Grading Standards section, the Kern County Grading Code section was cited as 1A.28 when it should have been 17.28. This citation will be corrected.
Comment Letter 22b

Office Memorandum
KERN COUNTY

To: Planning Department
Attn: Craig Murphy

From: Engineering & Survey Services Dept.
Floodplain Management Section
Aaron Leicht

Subject: Draft EIR Tejon Mountain Village

The proposed project will increase the amount of impervious area in the watershed tributary to Castaic Lake. The project proponent proposes to manage on-site runoff using a combination of retention and detention facilities. Detention of on-site flows is intended to mitigate the peak flow rate while retention will mitigate volume. In responding to the CEQA checklist questions the hydrologic analysis prepared by Stantec, Inc. indicates there will be no substantial increase in the amount of runoff, either peak flow rate or volume, seen by downstream properties. The basis of their conclusion stems from mitigation noted above, road and culvert modifications around the lake and the assumption that the current lake level is representative of normal hydrologic conditions.

During the Notice of Preparation of the EIR for Tejon Mountain Village, this Department commented that the project should consider the potential flooding impacts to properties downstream of Castaic Lake (memo from FPM to C. Castorph 1/15/2005). Our concern was that the artificial maintenance of the lake level via ground water pumping has significantly reduced the available flood routing storage capacity of the lake thus potentially increasing flooding downstream properties. In Stantec’s report, the hydrologic models routed the flood hydrographs through the lake based on an existing condition assumption after the lake level management plan was put into place. This assumption however does not represent the historic water surface of the lake. Prior to the lake level management practices by the land owner (a member of Tejon Mountain Village, LLC) the water surface of the lake would fluctuate based on seasonal runoff. When dry, the lake had the ability to store the runoff from large storm events without reaching the point where-by water would reach the spill point and flow down stream. Since the lake is now maintained at a certain level, that storage volume is no longer available. This project will generate additional runoff reaching the lake. This results in water flowing out of the lake and onto downstream properties more frequently. We believe this represents a significant environmental impact.

Subsequent to compiling the comments for the NOP, Castaic Lake was removed from the Project description (DEIR 2.4.2) as being a part of the TMV project. However, this Department believes that because this project will generate increased runoff, and thereby increase the potential for increased flooding downstream, particularly after the lake level management plan was implemented, the TMV project will create significant impacts.
Comment Letter 22b. Kern County Engineering & Survey Services Department, Aaron Leicht (July 28, 2009)

Response 22b A.

Thank you for your comment. The Engineering and Survey Services Department (ESSD) of Kern County notes that the proposed Project will increase the amount of impervious area in the watershed tributary to Castac Lake and that mitigation measures including retention and detention facilities will be implemented to achieve this goal. The mitigation measures addressing the on-site run-off have been modeled by GeoSyntec (Draft “Tejon Mountain Village Specific Plan Water Quality and Hydromodification Technical Report” prepared by GeoSyntec dated June 4, 2008) with results indicating that the mean annual run-off volume for the Castac Lake watershed would be increase by only 71 acre-feet or approximately 18% (a 57% increase was calculated without proposed mitigation measures). The drainage models prepared by Stantec (see Final Draft “Tejon Mountain Village Drainage Report” prepared by Stantec dated May 8, 2008) indicate increases in the volume of water to be discharged to Castac Lake for all of the various return frequency storm events analyzed (see Table 1-1. Castac Lake In-Flow Hydrograph Volume Summary below for results). However, the Stantec analyses do not account for the proposed on-site treatment and hydromodification measures modeled by GeoSyntec, and thus provided a conservative approach to the Castac Lake flood routing models.

With respect to Castac Lake levels, the flood routing analyses conducted for the Project’s Draft EIR did not contemplate a “normal” hydrological lake level, but rather considered a “lake full” level, which again provided for a conservative approach by assuming dead storage up to elevation 3505 above mean sea level (dead storage is defined as the lake volume below a free draining outlet). It should be noted that the Project’s Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY, indicates the water surface elevation in Castac Lake has been maintained at approximately elevation 3503 above mean sea level. However, as stated in a 2009 letter from Tejon Ranch Company (TRC) to Kern County regarding Castac Lake management levels, TRC will be maintaining Castac Lake at elevation 3500 above mean sea level which provides for 1,076 acre-feet of flood storage below elevation 3503 or 1,853 acre-feet of storage below elevation 3505 (see Table 1-2. Castac Lake Stage vs. Storage Summary below). See also Tejon Ranch Company Letter Re: TMVDEIR; Castac Lake Questions and Comments Appendix 1-3.

Response 22b B.

Commentor noted that during the Notice of Preparation (NOP) period, a concern was raised about flooding impacts to properties downstream of Castac Lake. This comment is accurate, and is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 22b C.

Commentor is concerned that maintenance of the lake level has removed flood storage capacity from the lake, and thereby increase the risk of flooding downstream. Please refer to Response to Comment 12-H regarding potential flooding risks from Castac Lake and revisions to Project mitigation to address these risks.

Response 22b D.

Commentor notes that Castac Lake was removed from the Project following issuance of the NOP. This comment is accurate and is noted for the record.
Response 22b E.

Commentor states that the Project will generate increased runoff and potentially increase flooding downstream because of the managed level of the lake, and that the Project will create significant impacts based on the increased flooding risk. Please refer to Response to Comment 12-H.
Comment Letter 23

Craig Murphy - Tejon Mountain Village

From: Julie Damo  
To: Murphy, Craig  
Date: 07/16/2009 9:33 AM  
Subject: Tejon Mountain Village  
CC: Jones, Dave

Craig

Please be advised that the Environmental Impact Report has addressed our air quality concerns.

An air quality health risk assessment was performed for the major industrial area located adjacent to the project and our office was concerned that the project may be located within areas that may be significantly impacted by the major industrial area. The project boundaries were changed from the original proposal in the Initial Study to address the potential health risk impact and the project boundary is no longer within the potentially significant area.

The majority of the project is located within the boundaries of the San Joaquin Air Pollution Control District (SJ) so air quality mitigation so the mitigation should include any of SJ requirements.

Best Regards,
Julie A. Damo
Air Quality Engineer
Kern County Air Pollution Control District
2700 "M" Street, Suite 302
Bakersfield, CA 93301
Office: (661) 862-5250
Fax: (661) 862-5251
Email: damoj@co.kern.ca.us
District Website: www.kernair.org

file://C:\Users\murphy\AppData\Local\Temp\XPgrpwse\4A5EF3D4RMARMAP01001... 07/20/2009
Comment Letter 23. Kern County Air Pollution Control District, Julie A. Damo (July 16, 2009)

Response 23 A.

Thank you for your comment. Kern County Air Pollution Control District (KCAPCD) states that the Draft EIR has addressed its air quality concerns because the project boundaries were changed from the original proposal identified in the Notice of Preparation. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Interested Parties
Comment Letter 24

The Center on Race, Poverty & the Environment

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24-A

July 13, 2009

Craig M. Murphy
Kern County Planning Department
Public Services Building
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Re: Comments on Draft Environmental Impact Report for Tejon Mountain Village Project (PP06201)

Dear Mr. Murphy:

The Center on Race, Poverty & the Environment submits these comments in opposition to the Draft Environmental Impact Report ("DEIR") for the Tejon Mountain Village Project ("TMV"). CRPE represents low-income communities and communities of color who are seeking to secure a livable and healthy environment where they live and work. These comments are made on behalf of both CRPE and members of the Association of Irritated Residents ("AIR") who live in the vicinity of the proposed project.

CRPE and AIR urge the Kern County Planning Department to put the TMV project on hold until a revised Environmental Impact Report that complies with the California Environmental Quality Act (CEQA) is completed and recirculated. As it stands, the

24-B

Final Environmental Impact Report
Tejon Mountain Village Specific and Community Plan
July 13, 2009
DEIR violates CEQA and does not support either the environmental or economic health of local communities.

The California Legislature enacted CEQA for multiple purposes: to protect the environment of California, Cal. Pub. Res. Code 21000(e); to protect the environmental health of Californians, Cal. Pub. Res. Code 21000(b), 21000(d), 21000(g); to prevent the elimination of plant and animal species due to man’s activities, Cal Pub. Res. Code 21001(b); to create and maintain ecological and economic sustainability, Cal. Pub. Res. Code 21001(e); and to “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State.” Cal Pub. Res. Code 21001(a).

I. The DEIR’s Hydrology and Water Quality Section Violates CEQA by Excluding Castaic Lake and Using Improper Baseline Data.

CEQA mandates that “[a]n EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable.” 14 Cal. Code Regs. § 15130(o). The CEQA guidelines define cumulative impacts as referring to “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” 14 Cal. Code Regs. § 15355. In the DEIR, the County acknowledges that, under CEQA, “[i]ndividual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effect could be cumulatively considerable.”

This requirement specifically prevents a project developer from employing an often-attempted tactic – that of dividing up a project spatially or into separate temporal phases for the purpose of avoiding environmental review of the project in its entirety. As stated in CEQA Guideline § 15126, “[a]ll phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation.” 14 Cal. Code Regs. § 15126.

A. The Exclusion of Castaic Lake from the DEIR Analysis Constitutes “Piecemeal” and Is Unlawful under CEQA.

CEQA’s foremost principle is maximizing environmental protection while avoiding or mitigating environmental harm to the fullest extent reasonably possible. 14 Cal. Code Regs. § 15002. The tactic of piecemeal is often used to undermine this statutory goal. For this reason, the California Supreme Court invalidated piecemeal as a statutory evasion tactic early in CEQA’s history. See Bozung v. Local Agency Formation Commission (1975) 13 Cal. 3d 263, 283-84. The exclusion of Castaic Lake from the Tejon Mountain Village project is an attempt to achieve exactly the kind of piecemeal that is prohibited by CEQA. Thus, the County’s blanket acceptance of the developer’s assertion that Castaic Lake is not part of the Tejon Mountain Village project, and its decision to remove any consideration of impacts related to Castaic Lake from the DEIR,

1 DEIR 1:5-4, 1-12.
violates CEQA.

The County acknowledges that landowner Tejon Ranch Company has been discharging groundwater into the basin since 2001 to maintain Castac Lake at approximately 3505 feet and prevent its natural transformation into a salt marsh each dry season (the lake’s original name, Salinas de Cortez, refers to its salinity). However, by forming a separate company — TMV, I.L.C — to manage the luxury development that is planned around Castac Lake, Tejon Ranch Company has avoided all discussion in the DEIR of the environmental impacts of its use of groundwater to maintain the lake at artificially elevated levels. The mountain communities around Tejon Ranch are dependent on the local groundwater for drinking water and home use, and groundwater levels are already being detrimentally affected by this use of groundwater.

The County’s statement that “Tejon Ranch Company stocks the lake with game fish and maintains a small boat dock on the eastern shore for occasional use by company employees” implies that Tejon Ranch Company’s sole purpose in filling the lake is to provide for occasional recreational use by its employees. This implication is disingenuous in light of the lake’s geographic location as the central aesthetic focal point of the TMV development, which was already being planned when Tejon Ranch Company began artificially filling the lake in 2001.

Before the current DEIR was released, the promotional materials for Tejon Mountain Village prominently featured Castac Lake as a natural attraction for potential homebuyers and investors. Recently, this emphasis on the lake was suddenly jettisoned from promotional materials, perhaps when it became apparent that the impact from Tejon Ranch Company’s massive use of groundwater to fill the lake was too significant an impact to be overridden if analyzed as part of the DEIR for the TMV project. The fact that the lake was included in the TMV project’s earlier Notice of Preparation, and that development company RGP Corp. continues to highlight Tejon Mountain Village’s “400-acre lake with recreation amenities” in an online case study describing its work on TMV’s Specific Plan, are reminders of the lake’s central place as an anchor of the development. See http://rgpcorp.com/caseStudies/caseStudy1.html. Another indication that Tejon Ranch Company’s activities with Castac Lake are inextricably linked to the development of the TMV project is a December 2003 video presentation by Bob Stine, CEO of Ranch Company, which may be seen at http://www.youtube.com/watch?v=10gPlAhTbeY. In his presentation about plans for Tejon Mountain Village, Mr. Stine refers to the nearly million dollars his company has spent to keep the lake full and artificially oxygenated.

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2 DEIR, p. 4.8-4.
3 DEIR, p. 4.8-4.
4 Page 2 of the Notice of Preparation for Tejon Mountain Village Specific Plan, released on September 30, 2005, lists “swimming, boating, and docks on the lake” among the recreational facilities in the Project Description. The NOP also states on page 5 that one of applicant’s objectives is to “Provide a unique mountain and lakeside resort.”
Comment Letter 24, Cont.

This heavy investment has clear aesthetic benefits for developers hoping to sell lakeside and lake view real estate, but the environmental impacts of the lake on the surrounding ecosystem are cause for great concern. Impacts related to the lake include the following:

i) The ability of current residents to access safe drinking water is jeopardized because the source of this water - groundwater aquifers - is being diverted to artificially fill the lake. The statement in the DEIR that “[a] local groundwater would be used to meet the project’s potable or nonpotable water demand” is misleading and the impacts of discharging groundwater into Castaic Lake should have been considered as part of the DEIR. Allowing for the water supplies of current residents to be compromised is a violation of the Kern County General Plan’s goal/policy to “ensure that adequate supplies of quality (appropriate for intended use) water are available to residential, industrial, and agricultural users within Kern County." In current and projected ongoing drought conditions, the effects of this diversion of groundwater will become increasingly severe. As stated in the DEIR, “[f]luoride has been detected at slightly above an applicable MCL standard in one Lebec County Water District well. Three wells in the basin have exceeded a primary MCL for inorganic constituents, and one exceeded a primary MCL for radiological constituents.” The DEIR’s failure to analyze whether there is a link between this troubling water quality assessment in the vicinity of the project and the massive uses of groundwater being discharged into Castaic Lake is particularly problematic. In the context of declining groundwater levels in the San Joaquin Valley, the failure to analyze the effects of groundwater discharges into Castaic Lake is irresponsible.

ii) The evaporation of lake water leaves behind dissolved minerals and pollutants, necessitating the use of even more groundwater to prevent increased concentration of salts and substances such as uranium, arsenic, and selenium, which become hazardous when concentrated. However, even with Tejon Ranch Company’s attempts to turn Castaic Lake from a salt marsh to a freshwater lake, runoff from the lake is detrimentally affecting the water quality of Grapevine Creek.

iii) Keeping the lake full prevents it from serving as a catchment basin for runoff from Cuddy Creek. Removing the lake’s natural ability to absorb the effects of unusually high precipitation and runoff in the area increases the risk of severe flood damage to downstream areas, including Interstate Highway 5. This danger has already been realized; a flood in 2001 closed the local school and another flood event in February 2005 closed Ft. Tejon State Park for six weeks.

1 DEIR, p. 4.16-11.
iv) Plants and animals that are adapted to a seasonal salt marsh environment are being displaced.

By avoiding an analysis of these effects on the ecosystem, including effects on endangered species, the DEIR also avoids engaging in any mitigation of lake-related impacts. It furthermore skirts the issue of the long-term sustainability of artificially maintaining Castac Lake, which is highly susceptible to stagnation and eutrophication, no matter how much groundwater is pumped into it, due to high temperatures, lack of summer rainfall, high nutrient load, natural salinity, toxic runoff, and sedimentation.

In short, TMV’s developers plan to build the project to surround the lake. The exclusion of the lake from the DEIR is an attempt to avoid any analysis of the impacts of artificial groundwater pumping techniques used to increase the lake’s water level for the aesthetic benefit of residents/visitors of TMV. The failure to analyze such a fundamental aspect of the project is a fatal flaw in the DEIR; in a comparable case, the Court found that “the failure to discuss the EIR (environmental impact report) volume of groundwater subject to contamination renders the EIR inadequate under CEQA. Because the EIR is deficient, a revised and recirculated EIR is necessary.” Cudia Land Co. v. Rail Cycle (4th Dist. 2000) 83 Cal. App. 4th 74, 81. Here, disassociating the environmental impacts of the TMV project from the environmental impacts of artificial groundwater discharges is a prime example of the piecemeal tactic that is illegal under CEQA.

B. Even If the County Could Lawfully Conclude That Castac Lake Is Not Part of the TMV Project, It Would Still Have to Analyze Groundwater Discharges into the Lake as an Indirect Physical Change in the Environment under CEQA.

CEQA Guideline § 15064 states that “[i]n evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” 14 Cal. Code of Reg. § 15064(d) (emphasis added).

Because Tejon Ranch Company began discharging groundwater into the lake in anticipation of the TMV project, the environmental impacts of ongoing groundwater discharges must be considered at least an indirect physical change that is caused by the project. Moreover, even if Tejon Ranch Company could show that the groundwater discharges were not begun in anticipation or contemplation of the TMV project, an approval of the project would make the ongoing process of maintaining the lake vitally important to the viability of the development as it is conceived. The continuing impacts related to ongoing groundwater discharges would have to be considered at least an indirect physical change in the environmental that is caused by the project and is reasonably foreseeable. Thus, the failure to analyze these impacts in the DEIR constitutes a violation of CEQA.
Comment Letter 24, Cont.

C. The County erred when it considered baseline water conditions of the area to include Castac Lake in its artificially elevated state instead of its natural salt marsh state.

CEQA Guideline 15125 states that the “environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” 14 Cal. Code of Reg. § 15125(a). This description of the pre-existing environment prior to the commencement of the project allows for analysis of significant changes in the environment caused by the project. Here, though the County considers Castac Lake an off-site water body, it still analyzes the impact of flows from the project area into the lake, as required by CEQA. However, the majority of data collected represents the water quality of the lake since the intensive intervention and groundwater pumping began in 2001. The DEIR states that “To assess baseline wet-weather water quality conditions in the lake, five samples taken during storm events were identified in the 2000-2006 dataset.”

To allow the lake-related impacts of the TMV project to be analyzed using baseline data collected after intervention in the lake was begun would undermine the statutory intent of CEQA. “CEQA requires a good faith effort at full disclosure.” 14 Cal. Code of Reg. § 15151. While the lead agency is not required to “foresee[] the unforeseeable,” it must “use its best efforts to find out and disclose all that it reasonably can.” Id., § 15144. Full disclosure of a project’s environmental impacts promotes a fundamental purpose of CEQA: to “inform the public and responsible officials of the environmental consequences of their decisions before they are made.” Laurel Heights Improvement Assn. of San Francisco v. Regents of the Univ. of Cal. (1993) 6 Cal.4th 1112, 1123.

The DEIR’s use of post-2001 water quality data from Castac Lake constitutes use of a heightened baseline that masks the true impacts of the TMV project. To make a meaningful assessment of the environmental impacts of the TMV project, the baseline must be considered to include Castac Lake in its pre-2001, natural salt marsh state.

A further reason why a salt marsh baseline for Castac Lake should be used is that this is the natural state the lake will revert to if the project does not move forward. The CEQA requirements ensure “that the evaluation of impacts normally will do what common sense says it should do and what the EIR’s most important audience, the public, will naturally assume it does: compare what will happen if the project is built with what will happen if the site is left alone.” Woodward Park Homeowners Assn., Inc. v. City of Fresno (5th Dist. 2007) 150 Cal.App.4th 683, 707. If the TMV project is not built and the Tejon Ranch Company therefore ceases to discharge groundwater into Castac Lake, the lake will recover its original saline characteristics and catchment capacity. The lake in its natural state is thus the proper baseline to be considered under CEQA.

The failure to use proper baseline data requires that the DEIR be revised and recirculated. “If the description of the environmental setting of the project site and surrounding area is

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1 DEIR, p. 4.8-6.
2 DEIR, p. 4.8-6.
inaccurate, incomplete or misleading, the EIR does not comply with CEQA. *Cadiz Land Co. v. Rail Cycle* (4th Dist. 2000) 83 Cal. App. 4th 74, 87.

II. THE LAND USE SECTION OF THE DEIR VIOLATES KERN COUNTY’S GENERAL PLAN AND IS UNSOUND PUBLIC POLICY.

A. The TMV Plans Were Developed With Outmoded Land Use and Planning Models that Violate Kern County’s General Plan

California law mandates that each county “adopt a general plan that establishes policies to guide future development and conservation within that county.” California Government Code 2006(a). Kern County devotes a section of the general provisions of its General Plan to “Promoting Smart Growth Concepts to Effectively Manage the County’s Future Development.”10 One of the key elements of Kern County’s smart growth strategy is “promoting innovative land use planning concepts that maximize efficient land use, assure compatibility between land uses, reduce vehicle trips, and encourage master planned developments and communities.”11 (emphasis added)

The County acknowledges that “many of the project units are likely to be occupied on a part-time, seasonal basis.”12 TMV is thus not intended to become an intact community, but rather a resort site for vacation homes meant, weekend getaways and short-term stays. Such a development would, by its nature, increase vehicle trips between the TMV area and the permanent residences of TMV homeowners. Consciously planning this development therefore runs in direct contradiction to the letter and spirit of the smart growth provisions of Kern County’s General Plan.

According to CEQA Guideline 15125, “[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” 14 Cal. Code of Reg. § 15125(d). The DEIR does not address the increase in vehicle trips as a significant impact that would result from a vacation home development. Nor does the DEIR address the increase in vehicle trips as an inconsistency with the General Plan, as required by CEQA Guideline 15125. Instead, the DEIR asserts that “[t]he project would include a village/mixed-use center that could include high-density housing, commercial uses, and retail amenities and would, therefore, likely reduce vehicle trips outside of the project.”13 Instead of dealing with the major issue of the increased vehicle trips that will inevitably result from the creation of a new development marketed to second homeowners with no ties to the area, the DEIR shifts its analysis to the narrow issue of how a mixed-use center may cause a miniscule reduction of vehicle trips within that development. The DEIR side-steps the real issue of TMV’s encouragement of a heavy increase in traffic in the area.

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10 Kern County General Plan, section 1.10.8.
11 Id.
12 DEIR, p. 4.12-10.
13 DEIR, p. 4.3-198.
In analyzing the TMV Project’s consistency with the Kern County General Plan, the DEIR identifies goals and policies of the Plan and addresses the project’s adherence to those goals and policies. The second goal/policy listed is to “promote an urban growth pattern in areas where adequate public service infrastructure exists or can be provided.” This policy is consistent with the consensus understanding of the definition of smart growth as promulgated by the Smart Growth Network (“SGN”), a service developed by the Sustainable Communities Network with funding from the US EPA. The SGN has set forth several core principles to define smart growth. See http://www.smartgrowth.org. One of these principles is that growth “should strengthen and direct development toward existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe.” See Id.

The TMV project does not represent this kind of smart growth, but is instead “leapfrog development,” a form of development even more environmentally objectionable than urban sprawl. Leapfrog developments bypass areas of concentrated population that are already served by public services and facilities, creating disconnected pseudo-communities that necessitate the establishment of new infrastructure at a time when well established communities in Kern County still lack basic infrastructure. Instead of addressing the inconsistency between the TMV project and the Kern County General Plan as a problem area, the DEIR maintains that “[a]ll necessary public services would be constructed within the project area or, where possible, extended from immediately adjacent areas.” The DEIR thus violates CEQA’s mandate that “[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” 14 Cal. Code of Regs. § 15125(d).

B. The Land Use Section of the DEIR Ignores Fundamental Changes Taking Place in the U.S. Housing Market and Economy

The TMV project was planned at a time when inflated credit availability fueled runaway growth and homeownership rates ballooned, allowing many Americans to make first or second home purchases that were beyond their means. The DEIR fails to take into account the consequences of this unsustainable bubble on the housing sector and the rest of the economy. TMV, LLC appears to have a misplaced optimism that the housing market will bounce back to its former vigor, without any indication that this is the case. Kern County would be ill-advised to approve a development project that was designed for market conditions that no longer exist. Just as the County rejected the Stonefield development that had been planned at the northwest edge of Bakersfield in June, calling it “leap-frog” and “premature,” so should the County reject the TMV project.

\[14\] DEIR, p. 4.9-24.
\[15\] Id.
III. THE PUBLIC SERVICES AND UTILITIES AND SERVICE SYSTEMS
SECTIONS OF THE DEIR UNDERMINE KERN COUNTY’S
GENERAL PLAN

Policy 9 of Section 1.6 of the Kern County General Plan states that “[d]evelopment in areas without adequate infrastructure or development that places a burden on public services (i.e. Fire, sheriff, parks, and libraries) shall be discouraged.” The TMV project is undeniably planned in an area without adequate infrastructure, and contrary to the view put forth in the DEIR, the development would place a burden on public services. To comply with the General Plan, the TMV project should therefore be discouraged by the County.

As noted in the DEIR, section 1.4 of the Kern County General Plan also makes it a policy that “[n]ew discretionary development will be required to pay its proportional share of the local costs of infrastructure improvements required to service such development.” This policy is undermined by the TMV project’s plans related to fire control.

The TMV project is planned “in an area classified as moderate, high, and very high for fire hazards.” As a measure to mitigate the estimated 1,437 additional fire service calls per year that Kern County fire fighters will be confronting because of the TMV project, the DEIR states that “[t]he project applicant shall provide to the County 50% of the funding” to build a new fire station to replace the existing Station 56. TMV’s proposal to cover 50% of the cost of the new station does not constitute the proportional share of local costs of infrastructure improvements mandated by the General Plan.

Furthermore, recent history has shown that building homes in fire-prone areas increases the danger of catastrophic fires, as homeowners resist preventative burns that leave scars on the landscape and thus increase the likelihood that when a fire does inevitably start, enough combustible vegetation has grown up to fuel a larger-scale and much harder to control fire. Kern County should not violate the policies of its own General Plan by approving a development that will be especially vulnerable to fires, thus subjecting County resources to inevitably expensive fire suppression efforts and putting firefighters in harm’s way.

Regarding short-term impacts of the TMV project on energy supplies, the DEIR states that “[p]roject construction power demands on electricity and natural gas suppliers would be relatively insignificant in scope and occur on a temporary basis.” This statement is not backed up by any estimates of how much energy the construction of the project will take, or how long the construction will last. The DEIR errs in dismissing the potentially significant environmental impact that construction will have on local energy supplies.

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24 DEIR, p. 4.14-9
25 DEIR, p. 4.13-10.
26 DEIR, p. 4.13-15.
27 DEIR, p. 4.13-16.
28 DEIR, p. 4.16-27.
The California Water Code mandates that a Water Supply Assessment must analyze whether "total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project in addition to the public water system's existing and planned future uses..." Cal. Water Code Section 10910(c)(3). As part of its water supply assessment, the DEIR states that "[d]uring drier periods, stored groundwater will be retrieved from the water banks to supplement available SWP supplies. In subsequent wetter years, TCDWD will fulfill its supply obligations by using available SWP water and replenish the water banks."21 This assessment does not take into account the reality that climate change and dwindling supplies have the potential to result in unprecedented water shortages. Depending on "wetter years" to replenish water banks does not constitute a forward-thinking analysis or take into account the factors that may combine to limit water availability, as required by the Water Code.

IV. THE DEIR'S ANALYSIS OF RECREATIONAL RESOURCES IS CONCLUSIVE AND INCOMPLETE.

The DEIR includes an analysis of the project's potential impact to recreational resources, including how existing parks and recreational facilities in the vicinity of the project would be affected. As acknowledged in the DEIR, "[c]ampgrounds and many other developed sites within the Angeles and Los Padres National Forests are often full on weekends and on holidays from late May through early September. In the most popular sites, demand exceeds capacity...The U.S. Forest Service has estimated that public forest use for certain activities is increasing, including wildlife viewing, day hiking, other short-term trail use, and off-road vehicle use."22 However, in analyzing the project's impact on regional parks and recreation facilities, the DEIR concludes that "[t]he provision of onsite trails for project resident, guest, and docent-guided public use would avoid impacts to other public trails and generate a net positive recreational impact in the region."23 In its analysis of camping-related impacts on nearby parks, the DEIR also concludes that, despite the fact that "[l]imited camping activity would be allowed within the open space areas of the project," it is still likely "that project residents and guests would either use onsite camping facilities or elect to camp in other locations during the peak demand period in the local forests."24 This likelihood is not mitigation of the impacts on parks and recreation facilities, as mitigation must be fully enforceable by the County.

The only evidence provided to support these assertions is that "U.S. Forest Service statistics also show that nearly 60% of all developed campground demand in the national forest system is generated by people who live more than 36 miles from a national forest."25 Most national forests are undeniably far removed from population centers, so it

21 DEIR Appendix N-1, section 5.1.1.
22 DEIR, p. 4.14-14.
25 Id.
makes sense that much of the nation-wide demand for camping comes from people who live more than 56 miles from a national forest. However, the use of this statistic to extrapolate that most TMV project residents would elect to camp in “other locations” is nonsensical, especially because 1) “limited camping activity would be allowed” within the TMV project itself; 2) The TMV project will be marketed to homebuyers and visitors who are attracted to natural areas and are likely to have a greater demand for camping than the general populace, and 3) a national forest is in the immediate vicinity of the project.

Also problematic is the assertion that “the project’s national forest trip generation rate is likely to be significantly lower than...0.71 trips per person per annum,” the rate estimated by the Forest Service.” The County ignores concerns expressed by Forest Service District Ranger Thomas Kuekes in comments on TMV’s Notice of Preparation, regarding potential for Los Padres’s facilities to be overwhelmed. The County instead reason that TMV residents would make fewer trips to the forests and parks nearby because of the availability of recreational amenities within TMV. However, no data is supplied to justify this conclusion. Equally or more plausible is the possibility that people with the means to purchase a home or stay at TMV would have a special interest in exploring the natural surroundings and engage in the national forest activities not available on TMV land.

CEQA mandates that “[t]he lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.” Pub. Res. Code § 21082.2. The conclusory assertions put forth in the DEIR do not meet CEQA’s requirement for substantial evidence, which is defined in the CEQA guidelines as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion. 14 Cal. Code Regs. § 15384. The failure to provide evidence to support the conclusion that the TMV project will have no significant impact on existing recreational and park facilities in the vicinity of the project is therefore a violation of CEQA.

V. THE COUNTY FAILED TO ADEQUATELY ANALYZE THE IMPACTS THAT THE PROJECT WILL HAVE ON AIR QUALITY AND GLOBAL CLIMATE CHANGE

A. The Voluntary Emissions Reduction Agreement

The County’s discussion of air quality and the global climate change impacts that will result from the proposed project is uninformative and discourages public participation in the decision-making processes. The most troubling aspect of the air quality and climate change section in the DEIR is the discussion of the Voluntary Emission Reduction Agreement that the project proponents rely on so heavily to mitigate the significant impacts that the project will have on air quality.

25 DEIR, p. 4.14-12.
The Voluntary Emission Reduction Agreement is TMV's principle means of mitigating ambient air quality impacts. As a mitigation measure, it is subject to the mitigation requirements of CEQA. According to the CEQA Guidelines, "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified." CEQA Guidelines § 15126.4. The County failed to identify all available mitigation measures, instead opting to adopt the VERA as the preferable mitigation.

A further problem with the VERA is that it was agreed upon between Tejon Ranch and the San Joaquin Valley Air Pollution Control District prior to issuance of the DEIR. The discussion and adoption of mitigation measures are fundamental components of the EIR process, and must, therefore, be included in the draft and subsequent EIRs and made available for public comment. The policy behind this is that environmental assessments under CEQA should foster informed decision-making and encourage public participation in the decision-making processes. If essential decisions are made prior to the preparation and publication of the EIR, then the public is not only discouraged, but is in fact disallowed, from participating in the process, and there is no way for the public to confirm that the decisions that were made were done in an informed manner.

Finally, some information about the VERA that is presented in the DEIR is misleading, if not altogether false. The DEIR makes the claim that, although the project will result in significant transport of ozone from the San Joaquin Valley to Mojave through the Tehachapi Pass, the mere purchase of ERCs for NOx and ROG will result in a situation where "the project will not result in ozone transport." This mischaracterizes the effect of purchasing ERCs. The exact same amount of ozone will be transported from the San Joaquin Valley to Mojave as a result of this project regardless of how many ERCs are purchased. ERCs represent emission reductions from projects other than the purchasing project. TMV will still emit ozone, and ozone will still be carried to Mojave. ERCs also fail to ensure that emission reductions will take place locally. If the project proponents are going to rely so heavily on the purchase of ERCs, they must at least have an enforceable obligation to buy them from within a reasonable radius of the occurrence of the impacts. In this case, that would mean that the purchase of ERCs must be limited to those generated in the Frazier Park/Lebec area, and the relevant areas in the Mojave air basin.

The County also deferred its analysis and adoption of other reasonable mitigation measures, by claiming that the project includes the potential for emission-reducing activities, such as the possible future location of a public transit connection and the requirement that the project have bicycle storage racks. In the context of a CEQA document, this kind of deferral and soft, incentive-based, regulation is not considered mitigation.

The County failed to analyze the impacts associated with emissions from land use change and embodied emissions from paving, claiming that they were too speculative to be accurately analyzed. The County had a duty to make a good faith effort at understanding these emissions and their associated impacts, so that it could further mitigate if necessary.
At least, the County could have estimated the number of trees that will be cut down for the project, and how much other natural land will be lost, and the reasonably foreseeable impacts related to those activities.

B. Operational Emissions

The DEIR claims to account for operational emissions of mobile sources, but focuses almost exclusively on emissions that can be expected from employee commutes, deliveries, and maintenance activities. This ignores the large contribution that commuting residents will make to operational emissions. The County avoided serious analysis of this potentially significant impact by determining that the dwelling units will most likely not be occupied on a full-time basis, and that resort occupants are more likely to consolidate trips. There is no evidence that either of these statements is true. While TMV is intended to be a resort-style part-time living community, the current economic crisis makes it less and less likely that people will be buying second or third homes. Instead, people are more likely to purchase a home and live in it full-time, commuting back and forth to work in nearby cities such as Bakersfield and Los Angeles. Additionally, because of the limited availability of goods at the Tejon Ranch, occupants, even if part-time, are more likely to travel to Los Angeles or Bakersfield for shopping.

The DEIR also relies on power plants to mitigate all indirect emissions resulting from the increased energy demand generated by the operation of TMV. This is not satisfactory. Power plants, like other projects, have to adopt mitigation measures under CEQA when they open. However, the energy demand that will be created by TMV was not taken into account by plants when they opened. TMV has a duty to mitigate the impacts associated with the increased demand on energy resources.

C. Global Climate Change

The DEIR also failed to adequately acknowledge and mitigate the impacts that the project will have on global climate change. The County appears to have relied heavily on its conclusion that because no state or local agency has set a precise threshold of significance for greenhouse gases, the County has no responsibility to set its own threshold of significance for the DEIR, though there is a substantial amount of information available on both the local and global harm that is caused by the emission of greenhouse gases. Perhaps that is also why the DEIR’s mitigation measures for greenhouse gases are largely just suggestions for builders and other third parties to take steps to mitigate their greenhouse gas emissions. This is inadequate as a mitigation measure because it is ineffective and unenforceable, and because it violates CEQA. The CEQA Guidelines clearly state that, “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” CEQA Guidelines § 15126.4. The Guidelines also forbid deferring the formulation of mitigation measures to some future time, which is what Tejon Ranch and the County are doing by allowing future builders to determine which, if any, mitigation measures they will employ. CEQA Guidelines § 15126.4.
Additionally, the DEIR fails to quantify or mitigate "black carbon", despite acknowledging that recent studies have determined that black carbon should be included in analyses of greenhouse gases. The County claims that black carbon is generally emitted in developing countries that do not have sufficient controls on particulate matter (PM), and that therefore they need not determine how much black carbon will be emitted by this project. This claim is unfounded. For one thing, both PM2.5 and PM10 are present in the United States in high enough concentrations to warrant the U.S. EPA’s adoption of National Ambient Air Quality Standards to regulate them. Additionally, Kern County and many other places in the San Joaquin Valley air basin have traditionally been in nonattainment of both PM2.5 and PM10. Both East Kern County and the Los Angeles South Coast Air Basin are currently in serious nonattainment for PM10. Both the Los Angeles South Coast Air Basin and the San Joaquin Valley are also in nonattainment of PM2.5 NAAQS. This information puts into serious question the claim that our particulate matter is so well regulated that an analysis and possible mitigation of black carbon is unwarranted. The DEIR states that the project has substantial controls of PM emissions, but this is not demonstrated in the document itself. And, finally, the County’s reliance on the fact that current legislation, including AB 32, does not treat black carbon as a greenhouse gas is irrelevant for CEQA purposes. CEQA compliance is not qualified by the fact that other laws are being complied with. CEQA requires an analysis and mitigation of all significant impacts, whether or not the pollutant that causes those impacts is separately regulated.

In its global warming analysis, the County listed the global warming potential of each greenhouse gas, its lifetime, and its abundance in the atmosphere in 1998. There have been numerous more recent studies on the abundance of greenhouse gases in our atmosphere; the County gave no reasons for using data from over ten years ago. The only reason that comes to mind is that global warming impacts are cumulative impacts, so choosing data that represents a lower abundance of greenhouse gases reduces the perceived cumulative impacts of the project’s emission of greenhouse gases. This violates CEQA.

In analyzing and mitigating global climate change impacts, the County also limited its mitigation to compliance with AB 32’s 29% reduction in greenhouse gases. Conforming with AB 32’s requirements is not adequate mitigation, since all significant impacts need to be mitigated to less than significant. The County recognizes this, but then states that “cumulative GHG impacts remain significant and unavoidable even after mitigation.” There is no logical connection between the statement that 29% reductions are insufficient to reduce impacts to an insignificant level and the statement that those impacts must remain significant and unavoidable. It appears that the County simply chose not to require further mitigation beyond the 29% reductions. It seems unlikely that the most mitigation that the County can feasibly require happens to be the exact amount required by AB 32. Additionally, the County asks other agencies with jurisdiction to implement measures to mitigate cumulative impacts; however, the County may not rely on other agencies to mitigate impacts associated with a project for which it is the lead.
Global climate change is a cumulative impact resulting from operations that emit greenhouse gases. For this reason, it is important to have accurate information on the levels at which greenhouse gases are already occurring. The County set its baseline for greenhouse gas analysis at zero, which cannot be accurate. Not only does the County itself acknowledge that there are trace emissions and natural carbon cycling that are known to take place at the site, but the County did no further testing to determine accurately the current levels of greenhouse gases at the site. This necessarily skews the perceived impacts to appear less than they actually are. It is increasingly accepted that greenhouse gases have local as well as global impacts, so the accuracy of this information is necessary for a successful environmental analysis.

VI. THE CULTURAL RESOURCES AND PALEONTOLOGY SECTION OF THE DEIR IMPROPERLY RELIES ON PASSIVE PRESERVATION AND ALLOWS FOR SUBSTANTIAL ADVERSE CHANGES TO HISTORICAL RESOURCES

The General Plan states that “the County will promote the preservation of cultural and historic resources, which provide ties with the past and constitute a heritage value to residents and visitors.” Kern County General Plan, policy 25 of Section 1.10.3. Additionally, the Kern County CEQA Implementation Document and Kern County Environmental Checklist state that a project could potentially have a significant effect if it “[c]auses a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.”

In its analysis of potential impacts to multiple specific archeological sites, the DEIR asserts that there would be no impact because the sites are “located within the site but outside the development envelope” and that they would therefore be “passively preserved in a nondevelopment area.” The project site currently sees very little foot traffic. The introduction of a massive resort development with both permanent residents and a flow of hotel guests will have wide-ranging impacts; it would be unrealistic to assume that all residents and guests at the TMV development would stay on the demarcated pathways. The DEIR’s reliance on “passive preservation” of sacred sites is inadequate to ensure their protection.

Furthermore, the Tejon Mountain Village Specific Plan provides that “project development be designed to avoid cultural sites and resources to the maximum extent practicable.” The project’s history demonstrates that this is not the case. As indicated in a separate comment letter by Delia Dominguez, a Most Likely Descendent for the Kitukenmuk & Yowlunme Yokuts Indian Tribes of the project area and the Chairwoman of the Kitukenmuk & Yowlunme Tejón Indians, no mitigation measures were taken to protect the archeological remains of the Kashtiq village and adjacent burial site before Castac Lake was intentionally filled with groundwater in anticipation of the TMV project, flooding the archeological site and making further study or protection of the site impossible.

27 DEIR, p. 4.5-20.
28 DEIR, p. 4.3-24.
29 DEIR, p. 4.5-21
impossible. This lack of care caused a “substantial adverse change” to take place, in violation of CEQA and the Kern County General Plan.

VII. THE DEIR UNDERSTATES THE PROJECT’S LIKELY AFFECT ON TRAFFIC FLOW

The DEIR’s traffic assessment relies on dubious assumptions and flawed methodologies that incompletely and unrealistically represent the Project’s effect on nearby traffic patterns. Each of these deficiencies call into question the DEIR’s traffic assessment. Together, they render the description of the traffic impact insufficient for CEQA purposes.

A. The DEIR Incorrectly Assumes that the Project’s Outgoing Traffic Will Divide Evenly into North- and South-bound Commuters

The DEIR states that 51% of the Project’s outgoing traffic will head south on I-5, yet the County offers no authority for this assumption. More likely, because the Project is an affluent housing resort, a larger portion of its occupants will hail from Los Angeles rather than Bakersfield. Therefore, the Draft EIR obfuscates the Project’s effect on south-bound traffic.

This understatement is a crucial distortion because southbound traffic approaching Los Angeles is already near maximum saturation. The DEIR notes that sections of I-5 reach a Level of Service (LOS) of E – characterized by significant delays – and one section reaches level F, which is a virtual gridlock. DEIR, 4.15-3. Therefore, minor increases in traffic flow will have significant effects on overall traffic patterns. The negative effect southbound commuters are likely to have on already overcrowded traffic patterns will therefore be substantially more severe than the DEIR represents.

B. The DEIR Improperly Ignores the Cumulative Impacts of the Project’s Traffic Contribution

The DEIR states that it only analyzes sections of traffic in isolation. DEIR, 4.15-4. Thus it neglects the effects of individual sections of I-5 on other sections of the interstate, giving an incomplete picture of the traffic impacts. In light of the fact that portions of I-5 reach LOS E and F, the DEIR omits significant impacts by submitting this fractured analysis. Because LOS F means total saturation, any additional traffic will logjam behind this section of the highway. The threshold for significance of an impact is therefore lower in this context. As traffic backs up further, the gridlock will substantially impact earlier sections on the highway. The sections north of Calgrove, for instance, are LOS E. DEIR, figure 4.15-3. As traffic backs up behind Calgrove, these sections may increase to LOS F, which, in turn, will detrimentally affect earlier portions of the highway. Therefore, by analyzing the effects of additional traffic in isolation, the DEIR improperly ignores the cumulative effects of the overall impact of the Project’s traffic contribution. The result is an unacceptable understatement of the traffic impact.
C. The DEIR Fails to Account for the Affects of Construction on Traffic Flow

The DEIR proposes a number of mitigation measures, including constructing new intersections, new ramps, and contributing to the construction of improvements to I-5 and truck diversion route 58. DEIR, 4.15.4. Yet the DEIR barely mentions the intermittent effects these proposed construction projects will have on traffic flow. In order to properly analyze the impacts this project will have on traffic flow, the DEIR must include a discussion of the extent to which the proposed mitigation measures will impede the flow of traffic.

D. The Proposed Study Cannot Accurately Determine Whether Mitigation Measures Should Be Implemented

The DEIR proposes to conduct a study of the traffic impact only after the issuance of the certificate of occupancy of the 931st unit, and again for the 1401st unit. DEIR, 4.15-39. On the basis of these studies, the DEIR proposes that certain mitigation measures be implemented according to the results of the study. Id.

Several problems with this proposed methodology are immediately apparent. First, no additional studies are proposed for later stages in the project’s development. Upwards of 3500 units will be constructed. Yet the DEIR fails to propose analysis of the impacts of traffic after all of these units are completed.

Additionally, certificates of occupancy do not relate to the number of people who will inhabit the new units. They are merely certificates of habitability and conformity with codes. Thus the major flaw of the proposed study: it cannot ensure that it will reliably measure what it purports to measure. Because the study will only be conducted upon issuance of certificates of occupancy -- as opposed to actual occupancy -- the timing of the study has no relationship to any actual increases in traffic flow resulting from the Project. But differently, the certificates of occupancy may be granted at any time, even if no one lives at Tejon Mountain Village. Thus a finding of no significant impact following construction of the 1401st unit may be meaningless. A reliable study of traffic impact can only be conducted based on anticipated actual occupancy at Tejon Mountain Village.

Because this study is the trigger for mitigation measures, there exists no meaningful guarantee that the mitigation measures will actually be implemented. This kind of deferment violates CEQA. CEQA Guidelines § 15126.4. Therefore, a much more robust set of guarantees must be effected.

E. The DEIR’S Proposed Mitigation Measures Are Inadequate to Meet the Demands of the Increase in Traffic Congestion

The DEIR notes that the regional population is expected to increase by 35% by the year 2030. DEIR, 4.15-19. Because this population increase will cause heavily congested
areas along I-5 to become intractable gridlocks, the DEIR rightly notes that improvements must be made to deal with this looming problem. Id.

Nevertheless, the DEIR proposes inadequate measures to counteract its own contribution to this problem. The DEIR simply states that if legislation to improve I-5 is passed, the project applicants will pay their fair share toward the construction of these improvements.

While Tejon Mountain Village paying its fair share is laudable, this wait-and-see approach is not sufficiently proactive to deal with the immediate complications the Project will introduce to local traffic problems, and it violates CEQA. CEQA Guidelines § 15126.4. If construction of improvements to I-5 is postponed, no recourse is left to the citizens of Kern County to deal with excessive traffic congestion. Therefore, the Project risks unfairly passing the costs of increased traffic congestion on to those who in no way benefit from its existence.

**F. The DEIR Neglects Alternatives**

The Project will have a significant, unavoidable impact on already over-saturated traffic patterns. DEIR, 4.15-56. Yet, the principal mitigation measure offered is to wait for amendments and improvements to existing highways. Id. Only in passing does the DEIR touch on the subject of mass transportation. To meet the demands of the substantial increase in traffic congestion, the Project applicants should undertake an investigation of the feasibility of a Tejon Mountain Village mass transit system that shuttles commuters to and from principal transportation hubs in Bakersfield and Los Angeles during rush hours.

The project applicants can also implement incentives for its residents to carpool when traveling long distance. Such measures would go a long way toward mitigating the impact the Project will have on local traffic patterns.

Finally, just as the Project applicants are eager to contribute to the expansion of existing highways, so too should they investigate the possibility of contributing to the development of alternative methods of mass transportation, such as the California High Speed Train System (http://www.cahighspeedrail.ca.gov/). By lobbying and doing their part to finance alternate transportation, the applicants can ensure they have done everything feasible to mitigate the traffic impacts of their project.

**VIII. AESTHETICS, LIGHT AND GLARE**

Tejon Ranch and the surrounding area are a unique remnant of Southern California’s ecological past. (See Jon Gertner’s Playing Sim City, for Real, New York Times 3/18/2007, available at http://www.nytimes.com/2007/03/18/realestate/keymagazine/318CITY24.html?ref=nytimesmagazine&pagewanted=all.) The sparsely populated and relatively unaltered nature of the Tehachapi Mountains, in which Tejon Ranch is situated, is valued by visitors and residents alike. Siting a resort community of thousands on Tejon Ranch will obliterate the area’s rural character. The DEIR violates CEQA by unduly minimizing the aesthetic concerns of the current residents of the Tehachapi

Mountains and by omitting some consequences of the increased light pollution that would result from the construction and occupation of Tejon Mountain Village.

A. Aesthetics

Tejon Mountain Village will, in the words of Kern County’s CEQA Implementation Document, “Substantially degrade[] the existing visual character or quality of the site and its surroundings.” While the DEIR makes many promises regarding “minimizing mass grading” (TMV DEIR 4.1-11) and “a unified design compatible with the rural setting” (TMV DEIR 4.1-16), no amount of planning and concessions can neutralize the changes a massive resort complex that includes golf courses, tennis courts, hotels, spas, shopping centers, and an artificial lake will cause to what is currently a remote, tranquil, intact natural setting.

While the DEIR acknowledges that potential visual changes to a site should be “evaluated with consideration of the sensitivity of the viewers,” (TMV DEIR 4.1-11) it later goes on to trivialize the aesthetic concerns of viewers it deems to be unduly sensitive. Of those who view the proposed visual changes to the site negatively, the DEIR states: “Their aesthetic reactions may also be more influenced by their opinion of the project, good or bad, than to [sic] actual changes in the visual quality.” (TMV DEIR 4.1-17)

This imputation of the motives of concerned area residents misses the point of the DEIR. Aesthetics analysis and of CEQA’s community input provisions generally. Residents’ aesthetic reactions to the project form an important part of their opinion of the project. CEQA recognizes that whenever a single project will irrevocably alter the character of a community or region, local residents’ opinions of the project deserve to be taken into account. Cal. Pub. Res. Code § 21176. This is particularly important when the project site is, like Tejon Ranch, the last of its kind. A more realistic analysis of TMV’s aesthetic impact, one that is respectful of residents’ views, must be included in the project’s final EIR.

B. Light and Glare

Another unique aspect of the area that would be destroyed by a major development is its dark sky and suitability for stargazing. A dark sky is a key aspect of the eco-tourism development model favored by many area residents. The DEIR states that the project “would have minimal if any impacts related to night glow that could affect astronomical observation sites in the Mount Pinos area and the Los Padres National Forest campgrounds...” But the next paragraph goes on to state that “aesthetic impacts due to new sources of light and glare would be considered significant and unavoidable.” TMV DEIR 4.1-24. Stargazers and dark sky enthusiasts are skeptical of the first claim and certain of the second. See Eric Roy Anderson’s 7/1/09 Letter to Astronomers and Dark Sky Proponents, available at http://www.caddylevalley.org/cowlatters/dark.pdf. Again, a realistic analysis of the proposed project’s impact is needed but lacking.
IX. POPULATION AND HOUSING

The TMV Project undermines Kern County's plan to provide adequate affordable housing to its residents. The DEIR states that the TMV development “would help meet a documented need for housing supply in the region, thus beneficially affecting the region's continued demand for housing.” DEIR 4.12 .5. This assertion is entirely unsupported. On the contrary, the TMV fails to serve the needs of low and moderate income residents and could exacerbate the problem of housing availability. As the DEIR states, the TMV would provide resort style accommodations where ‘many of the project units are likely to be occupied on a part-time, seasonal basis.” DEIR 4.12-10. According to the 2000 U.S. Census, the unincorporated Kern County housing stock consists predominantly of single family homes at 69 percent, followed by mobile homes at 21 percent and multifamily units at 11 percent. Kern County Housing Element: 1-2.) In addition to higher rental rates, the median sales price for homes “makes it rather difficult for all income groups to afford housing in Kern County.” (id)

By constructing a luxury resort without planning for the needs of its residents, the Project would only impede the County's objective to provide affordable housing. The lack of affordable housing would also force any potential employees to commute from long distances. The DEIR acknowledges a significant portion of the project's operational workforce would be “drawn from outside of the Mountain Community area” but does nothing to enable low and middle income residents to reside closer to the development. DEIR 4.12-10. Thus, the Project violates the stated objectives of the Housing Element of Kern County's General Plan by failing to meet actual housing needs and exacerbating the shortage of affordable housing for local residents.

X. NATURAL RESOURCES

The construction and occupation of Tejon Mountain Village would have dire consequences for many flora and fauna in this rare, fragile bioregion. Because numerous and detailed comments on the DEIR’s Natural Resources section are expected from scientists and environmental activists, comments here will be confined to what are arguably the two most problematic natural resources impacts: the damage to the California condor population and the elimination of a vital wildlife corridor that links diverse regions.

A. Elimination of a vital wildlife corridor

Tejon Ranch sits at the nexus of four distinct bioregions: the Great Central Valley, the Mojave Desert, the Sierra Nevada Mountains, and the South Coast. It serves as a vital connection for deer, mountain lions, bears, elk, and other species moving between these regions. Existing obstructions such as Interstate 5 already restrict the movement of wildlife, making the open space of Tejon Ranch all the more essential for migration. Construction of Tejon Mountain Village will force more migration patterns across the highway, a barrier that appears insurmountable to some species. See Daryl Kelly's *Developer Creates an Opening*, Los Angeles Times 5/29/2003, available at http://www.tejonranch.com/data/news/inthenews/la_times.pdf.

The DEIR lays out Tejon Ranch Company's own survey data regarding the wildlife corridor and concludes that the open space left within and around the TMV will allow adequate passage of wildlife across I-5 bridges and underpasses and through Tejon Ranch. TMV DEIR 4.4.431. Given the site's description as "the one true wildlife linkage" in the region (see Kelly article), the Company's unwillingness to allow others to perform similar surveys on Tejon Ranch calls this conclusion into question. CEQA states that while an EIR need not be scientifically flawless, it must evince "adequacy, completeness, and a good-faith effort at full disclosure." Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692. The final EIR for Tejon Mountain Village must offer a good-faith estimate of the project's encroachment into this vital wildlife corridor.

B. Damage to Condor Population

Tejon Ranch is a favorite foraging ground of the California condor. This species, recently brought back from the brink of extinction, rides the valleys' updrafts as it searches for carrion. The DEIR acknowledges the potential of a significant impact on the area's condor population, but maintains that mitigation measures including the establishment of "feeding stations" - piles of offal left by hunters and raised platforms stocked with animal carcasses - will minimize the impact. TMV DEIR 4.4.478.

Many naturalists object to this "domestication" of the condor, a species that has been painstakingly reintroduced into the wild during the past fifteen years (see Center for Biological Diversity's Condor Experts Condemn Proposed Tejon Ranch Development, 7/8/2009, available at http://www.biologicaldiversity.org/press/releases/2009/tejon-ranch-07-08-2009.html). In the past fourteen months, seven condors have already been killed on Tejon Ranch property. In light of this fact, the DEIR's assertion that there will be fewer condor deaths on the property once construction begins is plainly ludicrous.

Even with the controversial mitigation measures, Tejon Ranch Company acknowledges that TMV will result in a yearly take of up to 27 endangered species, condors included. Given the precariousness of the condor's position, as well as the massive amounts of money and effort invested in saving it from extinction, no take of condors should be considered acceptable. If Tejon Mountain Village cannot be constructed without negatively impacting the condor population, it should not be constructed at all.

XI. GEOLOGY AND SOILS

A. Unrealistic risk estimates regarding earthquake damage

The proposed site of Tejon Mountain Village sits at the intersection of the two largest tectonic faults in California, the San Andreas and Garlock faults. The San Andreas curves just beyond the southwest corner of the site while the Garlock runs through the center of the proposed resort community. Identified earthquake risks in the area are
ruption, groundshaking, liquefaction, ground softening and lurching, lateral spreading, settlement, slope failure, and landslides. The potential damage level on the Mercali Intensity Scale (MMI) of earthquakes at these faults is IX to XI. IX MMI indicates violent shaking, considerable damage even to specially designed structures, and great damage with partial collapse in substantial buildings. TMV DEIR 4.6-13.

The DEIR acknowledges these risks as significant but quantifies few of them. One exception is the assertion that “the Tejon Mountain Village area can be expected to have a 15% to 37% probability of experiencing groundshaking associated with a large earthquake on the San Andreas fault in the next 30 years.” TMV DEIR 4.6-12. A series of mitigation measures is then discussed, including evacuation routes, grading and building techniques. The DEIR concludes that after these mitigation measures the risk posed by earthquakes is “less than significant.” “Significant” means “not trivial.” No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 83. Given the likelihood of a major earthquake—a figure that is hotly debated by experts and may in fact be much higher than 37%—and given the XI MMI damage potential of an earthquake along either of the area’s two major faults, this “less than significant” designation is manifestly absurd.

Even with all possible precautions taken, a major building project at such a geologically unstable location exposes workers and residents to significant risk. It also poses a risk to local flora and fauna, which could be adversely affected by air, water, and soil contamination from earthquake-damaged structures. Policy 1 of Section 4.3 of Kern County’s General Plan (Seismically Induced Surface Rupture, Ground Shaking, and Ground Failure) foresees these dangers and states: “The county shall require development for human occupancy to be placed in a location away from an active earthquake fault to minimize safety concerns.” A more realistic assessment of the area’s geologic hazards is necessary to determine what level of development, if any, is appropriate for this region.

B. Absence of analysis of modifications to Castac Lake

The DEIR’s Geology and Soils section is one of many sections of the report that is distorted by the lack of analysis of Castac Lake. Tejon Ranch Company (TRC) asserts that its modifications to Castac Lake are project separate from Tejon Mountain Village, despite the fact that the lake is billed as the scenic centerpiece of the proposed development and will be one of its major attractions.

Castac Lake is naturally dry for much of the year, acting as a collector for rainwater runoff from the slopes above. Tejon Ranch Company has altered the lake so that it is full year-round, while TRC claims to have accomplished this without drawing any of the area’s scarce groundwater, there is understandable skepticism over this claim.

Because of the lake’s improper categorization as a separate project, no analysis is offered of potential subsidence due to groundwater withdrawal or of increased potential for mudslides due to elimination of the dry lake as a natural rainwater collector. TMV DEIR 4.6-8, 4.6-10. Section 15126 of the CEQA guidelines, referencing §21083 of California’s Public Resource Code, states: “All phases of a project must be considered when
evaluating its impact on the environment.” The modifications to Castac Lake must be included in the EIR for Tejon Mountain Village in order to give a complete picture of the project’s potential impacts.

XII. HAZARDS AND HAZARDOUS MATERIALS

A. Underground pipelines

Related to the earthquake risks described above is the risk posed by underground oil and gas pipelines. At least eight oil pipelines and two gas pipelines run under the Tejon Mountain Village site; the DEIR does not give a definitive number. TMV DEIR 4.7-5. The presence of these pipelines creates an added danger in the event of an earthquake.

One of Exxon Mobile’s crude oil pipelines has already contaminated soil and groundwater near the TMV sight. TMV DEIR 4.7-37. Ruptures or ground shaking during an earthquake have the potential to cause more leaks, or even completely sever pipelines. This adds to the risks to the environmental health of TMV workers and residents if the project is sited in this geologically sensitive area. The DEIR makes passing mention of the monitoring and clean-up procedures of Exxon and Southern California Gas Company, the owners of the identified pipelines. TMV DEIR 4.7-33. However, the document fails to address the significant and unavoidable risk of sudden, severe damage to the pipelines such as would occur in an earthquake. In order to provide an accurate picture of the risks and benefits of siring a major development at the proposed location, the final EIR must take this situation into account.

B. Wildfires

Wildfires also pose a significant and underestimated risk at the project site, a risk that will be increased by construction and occupation of Tejon Mountain Village. The DEIR, citing the Fire and Resources Assessment Program and the Kern County Fire Department, states that since 1950 there have been 23 large wildfires on the project site or within ¼ mile of it. TMV DEIR 4.7-12. Unnaturally frequent wildfires pose a risk to the area’s flora and fauna as well as to human inhabitants, and the DEIR acknowledges that the significant and unavoidable risk of wildfires will be increased by the proposed project. However, the mitigation measures proposed fall short of reducing the risk to the purported “less than significant” level. TMV DEIR 4.7-50. The DEIR notes that many past fires were caused by traffic on Interstate 5, which runs along the southwest border of the project site. It also acknowledges that increased traffic on the interstate due to construction and occupation of Tejon Mountain Village will increase the risk of such fires. TMV DEIR 4.7-12. However, none of the mitigation measures address traffic-related fires. It is contradictory to state that mitigation measures will result in a “less than significant” risk when those measures do not address what is acknowledged to be a major source of this risk. If the risk of traffic-related fires truly cannot be mitigated, this must be reflected in the final EIR’s wildfire risk assessment.
XIII. NOISE

The principal increase in noise resulting from the Tejon Mountain Village project, after initial construction, would be from the traffic to and from the site. Traffic noise levels at the Fort Tejon State Park, Lebec Road, and Circle Drive areas already meet or exceed the maximum levels set in the Kern County General Plan Guidelines, and even without Tejon Mountain Village the noise level at El Tejon School and the Caltrans Facility are projected to exceed these guidelines soon. TMV DEIR 4.11-17. This makes consideration of the noise impact of TMV all the more important. Despite the addition of thousands of extra car trips carrying residents, guests, and employees in and out of Tejon Mountain Village, the DEIR claims that traffic noise levels will be no higher than the No Project alternative. The DEIR lacks a satisfactory explanation of how this can be so. The cumulative effects of noise pollution, including TMV’s contribution to those effects, must be realistically evaluated in the final EIR.

XIV. THE COUNTY FAILED TO PROPERLY IDENTIFY REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT

According to CEQA Guideline § 15126.6, “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Cal. Code of Reg. § 15126.6(a).

The first stated objective of the TMV project is to “[c]reate a unique, low-density mountain resort that preserves the ranching and natural heritage of the Tejon Mountain Village property, in close proximity to, and with convenient access from, the greater Los Angeles and Bakersfield areas.” Such a specific geographical description as part of the project objectives effectively limits the project to one location and precludes consideration of other project sites where fewer or less significant environmental impacts would result.

XV. CONCLUSION

Development can happen in many ways. As the population of Kern County grows and changes, there will be many turning points such as the one now presented by the Tejon Mountain Village DEIR. The Center on Race, Poverty, & the Environment and the Association of Irritated Residents hope that these comments will aid the County in making decisions that support sustainable development and that respect the sanctity of the area’s ecosystem and the wishes of its residents. Failing to do so violates CEQA and the Kern County General Plan, and will have unacknowledged and unmitigated significant impacts on community members in and around the Frazier Park/Lebec region.

24-F6
24-G6
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24-J6
24-K6

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38 DEIR, p. 8-2.
Comment Letter 24, Cont.

Sincerely,

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Center on Race, Poverty & the Environment

Christopher Curran, Legal Intern
Center on Race, Poverty & the Environment

Jillian Clearman, Legal Intern
Center on Race, Poverty & the Environment

Josh Toomey, Legal Intern
Center on Race, Poverty & the Environment
Comment Letter 24. The Center on Race, Poverty, & the Environment
(July 13, 2009)

Response 24 A.

The comment from the Center on Race, Poverty & the Environment (Commentor) states that its comments are submitted in opposition to the proposed Project and Draft EIR. Commentor represents low-income communities and communities of color who seek to secure a livable and healthy environment where they live and work. The comments in the letter are submitted on behalf of Commentor's members and on behalf of members of the Association of Irritated Residents (AIR) who live in the vicinity of the proposed Project. The comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR, other than to state its opposition to the Draft EIR and Project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 B.

The comment urges the Kern County Planning Department to put the proposed Project on hold until a revised EIR that complies with CEQA is prepared and circulated. The comment states that the Draft EIR violates CEQA and does not support the environmental or economic health of local communities. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 24 C.

The comment states that the California Legislature enacted CEQA for multiple purposes, including protection of the environment of California, citing California Public Resources Code section 21000(a); protection of the environmental health of Californians, citing California Public Resources Code sections 21000(b), (d) and (g); to prevent the elimination of plant and animal species due to man's activities, citing California Public Resources Code section 21001(b); to create and maintain ecological and economic sustainability, citing California Public Resources Code section 21001(c); and to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State," citing California Public Resources Code section 21001(a). The comment accurately quotes from and summarizes the text of CEQA, with the exception of the citation to section 21001(b), which is incorrect and should instead cite to section 21001(c) (to prevent the elimination of plant and animal species due to man's activities). The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 D.

The comment includes accurate quotations from CEQA Guidelines sections 15130(a) and 15355, regarding the definition of cumulative impacts. The comment also includes an accurate quote from the Draft EIR, Section 1.5.4, page 1-12. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 E.

The comment notes that CEQA's requirements regarding analysis of cumulative impacts prevent project proponents from dividing a project up, either spatially or temporally, for the purpose of avoiding
environmental review of a project in its entirety. The comment quotes accurately from CEQA Guidelines section 15126 regarding consideration of all project phases. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 24 F.**

Commentor says that deleting the lake from the Project is piecemealing. Please refer to Global Response 7.5.1, Castac Lake for a response to this and other lake issues.

**Response 24 G.**

Commentor states that the Draft EIR acknowledges that landowner Tejon Ranch Company has been discharging groundwater into the basin since 2001 to maintain Castac Lake at approximately 3505 feet. The comment cites page 4.8-4 of the Draft EIR. This section of the Draft EIR addresses existing hydrological conditions specifically surface hydrology. The Draft EIR text does state “Since 2001, the Tejon Ranch Company has maintained the lake surface at approximately 3,503 feet by discharging groundwater into the basin.” The comment has been noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 24 H.**

Please refer to Global Response 7.5.1, Castac Lake for a response to this and other lake issues.

**Response 24 I.**

Commentor notes that mountain communities around Tejon Ranch are dependent on the local groundwater for potable water supply. Commentor states that groundwater levels are already being detrimental affected by groundwater pumping and use by Tejon Ranch Company (TRC) to augment water levels in Castac Lake.

The ongoing management of Castac Lake, including groundwater pumping to maintain the lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. The Draft EIR did assess the Project’s potential surface water quality impacts in the Castac Lake watershed and found them to be less than significant. See pages 4.8-22 through 4.8-47 of the Draft EIR. According to the water supply assessment approved by the Tejon Castac Water District (TCWD) local groundwater will not be used to meet Project water demand. See Draft EIR, Section 4.16, UTILITIES AND SERVICE SYSTEMS, and Appendix N-1. As noted on page 4.16-11 of the Draft EIR “No local groundwater would be used to meet the Project’s potable or nonpotable water demand. In addition as discussed in Section 4.8, HYDROLOGY AND WATER QUALITY, the Project would prohibit well use for golf course and other landscape irrigation purposes to encourage the use of recycled water supplies. Project impacts on groundwater supplies are discussed in Section 4.8, HYDROLOGY AND WATER QUALITY, see pages 4.8-47 to 4.8-48 and Mitigation Measure 4.8-38.

**Response 24 J.**

Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other lake issues.

**Response 24 K.**

Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other lake issues.
Response 24 L.

Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 M.

The commentor addresses concerns related to the ability of current residents to access safe drinking water from groundwater aquifers because water is being diverted to fill Castac Lake. The commentor contends that the statement in the Draft EIR that “[n]o local groundwater would be used to meet the Project’s potable or non-potable demand” is misleading and the impacts of discharging groundwater into Castac Lake should have been considered as part of the Draft EIR.

It is important to note at the outset that the Project does not intend to use groundwater for potable or non-potable uses as discussed in Draft EIR Section 4.16, UTILITIES AND SERVICE SYSTEMS. Further, Global Response 7.5.1, Castac Lake, explains that the Tejon Ranch Company has conducted lake management activities in the past, which are further described in Appendix I-3. Since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project.

Nevertheless, for the purpose of further describing the Castac Lake setting, additional discussion is provided regarding commetor’s concerns related to groundwater use within the local groundwater aquifer and the ability of current residents to access drinking water from groundwater aquifers. Several studies have been conducted by Stetson (2002, 2006) on behalf of TRC that assess the safe yield of the groundwater basin from which TRC has been extracting groundwater for lake maintenance activities. This groundwater basin is identified by Stetson as the Tejon Groundwater Basin and is part of a series of groundwater basins from which the local community extracts groundwater. The first study that was completed by Stetson in 2002 preliminarily estimated the safe yield of the Tejon groundwater basin to be approximately 3,600 acre-feet per year (AFY). Stetson, 2002. Based upon the collection and analysis of additional data, Stetson updated this estimate in 2006, to range between 1,950 AFY and 2,450 AFY. Stetson 2006. This study was reference in the Draft EIR Appendix I-1.

Stetson’s updated 2006 report indicates that average historic groundwater pumping rates from the Tejon basin between 1940 and 2004 are approximately 1,345 AFY, which includes an average of 740 AFY of pumping conducted by TRC (only a portion of which was used for lake level maintenance), approximately 550 AFY of combined pumping by Lebec County Water District, Frazier Park Public Utilities District, and Frazier Mountain High School, and 55 AFY of other unspecified pumping. (TRC use of groundwater for lake level maintenance began in 2001, and therefore the historic rate of groundwater pumping by TRC is likely less than the 740 AFY that Stetson (2006) estimates, which is based on the period for August 2001 to May 2005.) These values vary somewhat from than those presented in the PACE 2006 report, which indicates that as much 1,067 AFY of groundwater was used by TRC for lake level maintenance between 2002 through 2004. In either case, the range of estimated pumping rates (1,345 AFY to 1,672 AFY) from the Tejon Basin is within Stetson’s updated estimate for the perennial yield of the basin (1,950 AFY to 2450 AFY). (1,672 AFY is the sum of 1,067 AFY (TRC), 550 AFY (LCWD, FPPUD, and FMHS), and 55 AFY [other unspecified]). PACE 2006. Furthermore, it should be recognized that return flows from Tejon Mountain Village Project outdoor water uses, which will be sourced from imported water, will add additional recharge to the groundwater basin, increasing the basin’s yield.
Further, water level data collected between July 2000 and September 2005 from deep aquifer zone wells within the Tejon Groundwater Basin (i.e., wells MW 6D, PW-56A, PW-80, and PW 88), show that water levels in the deep aquifer, from which groundwater is extracted within the Tejon Basin, have not experienced significant declines in recent years. On the contrary, water levels in these wells remain near their historic highs, and are flowing artesian in some cases. The commentor notes that declines in water levels have been observed in production wells located in adjacent upgradient basins. As indicated by the hydrologic model presented by Stetson (2006), the hydrologic balance in this semi-arid region is characterized by a cyclical pattern of declining water levels during normal and dry years and rising water levels during wet years. Stetson 2006. Therefore, such declines may just be representative of the natural rise and fall of water levels in the groundwater basin, particularly to the extent that such declines have occurred after large rainfall events that occurred in 2005.

Again, since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, this groundwater discussion has been provided for the purpose of further describing the Castac Lake activities that predate the Project. Nevertheless, this discussion demonstrates that there is no indication that TRC groundwater extraction has had a negative impact on groundwater levels within the Tejon Groundwater Basin or in any upgradient or downgradient basins.

**Response 24 N.**

Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other lake issues.

**Response 24 O.**

Commentor quotes the statement in the Draft EIR that "[f]luoride has been detected as slightly above an applicable MCL standard in one Lebec County Water District well. Three wells in the basin have exceeded a primary MCL for inorganic constituents, and one exceed a primary MCL for radiological constituents."

This comment includes an accurate quote from the Draft EIR from Section 4.8, HYDROLOGY AND WATER QUALITY.

**Response 24 P.**

The commentor states that the failure to analyze whether there is a link between the water quality assessment and the groundwater being discharged into Castac Lake is problematic. The commentor says that the failure to analyze the effects of groundwater discharges into Castac Lake in the context of declining groundwater levels in San Joaquin Valley is irresponsible.

With respect to groundwater discharges, the Draft EIR appropriately assessed the Project's potential impacts on Castac Lake by assessing pollutant loadings, concentrations, and runoff volumes to the Lake (refer to the Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY, and the 'Tejon Mountain Village Specific Plan Water Quality and Hydromodification Technical Report’ regarding water quality modeling). The Project’s potential surface water quality impacts in the Castac Lake watershed were found to be less than significant after implementation of the Mitigation Measures 4.8-1 through 4.8-40, refer to pages 4.8-22 through 4.8-47 of the Draft EIR.

With respect to groundwater pumping and effects on groundwater quality, as explained in Response to Comment 24-M, since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, this groundwater discussion has been provided for the purpose of further describing the Castac Lake activities that predate the Project. With that background in
mind, there is no evidence to suggest that groundwater pumping by TRC for lake level maintenance purposes since 2001 has had a negative impact on groundwater quality. Publicly available information for water systems in the vicinity of the Project shows that groundwater concentrations for the constituents of concern exceeded MCLs prior to the use of groundwater for lake level maintenance. Table 1, below, shows water quality constituents that exceeded MCLs prior to October 2001, when pumping for lake level maintenance first began.

Furthermore, multiple investigators [PACE 2006, citing Dudek and Associates 1999; Stantec 2005, citing Kenneth D. Schmidt and Associates 2002], have concluded, based on water level measurements, that groundwater flows in an eastward direction down from the Cuddy Creek region. This makes hydrogeologic sense, as groundwater typically flows from higher elevation recharge areas to discharge areas at lower elevations. This direction of groundwater flow makes it unlikely that groundwater pumping activities at TRC would have an impact on water quality upgradient.

Table 1. Water Quality Samples from Wells in the Basin Exceeding MCLs in the Period Prior to TRC Groundwater Pumping for Lake Level Maintenance

<table>
<thead>
<tr>
<th>Well</th>
<th>Sampling Date</th>
<th>Constituent</th>
<th>Value</th>
<th>MCL</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frazier Park PUD PW-3</td>
<td>9/21/2000</td>
<td>TDS</td>
<td>630 mg/L</td>
<td>500 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td>Frazier Park PUD PW-4</td>
<td>9/21/2000</td>
<td>TDS</td>
<td>677 mg/L</td>
<td>500 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td>Frazier Park PUD PW-5</td>
<td>9/14/2000</td>
<td>Iron</td>
<td>0.71 mg/L</td>
<td>0.3 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TDS</td>
<td>637 mg/L</td>
<td>500 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td>Frazier Park PUD PW-6</td>
<td>9/14/2000</td>
<td>Fluoride</td>
<td>2.3 mg/L</td>
<td>2.0 mg/L</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TDS</td>
<td>537 mg/L</td>
<td>500 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td>Krista MWC-PW</td>
<td>1/19/1999</td>
<td>Fluoride</td>
<td>2.2 mg/L</td>
<td>2.0 mg/L</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TDS</td>
<td>640 mg/L</td>
<td>500 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td>LCWD Chimney PW</td>
<td>6/16/98</td>
<td>Iron</td>
<td>0.87 mg/L</td>
<td>0.3 mg/L (1)</td>
<td>KDSA, 2002</td>
</tr>
<tr>
<td></td>
<td>8/9/1994</td>
<td>TDS</td>
<td>505 mg/L</td>
<td>500 mg/L (1)</td>
<td>DHS, 2007</td>
</tr>
<tr>
<td>Abbreviations:</td>
<td></td>
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<td></td>
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<td>---------------</td>
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</tr>
<tr>
<td>KDSA, 2002</td>
<td>Kenneth D. Schmidt and Associates, Groundwater Conditions in the Frazier Park/Lebec Specific Plan Area (August, 2002)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LCWD</td>
<td>Lebec County Water District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MCL</td>
<td>Maximum Contaminant Level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mg/L</td>
<td>milligrams per liter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MWC</td>
<td>Mutual Water Company</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPEMWC, 2001</td>
<td>Pinon Pines Estates MWC Annual Water Quality Report (April 11, 2001). The data presented are from results of tests during the period from 1997 through 2001 and “adequately represent(s) water delivered”. The results documented represent the latest data during that time period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PUD</td>
<td>Public Utilities District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Pumping Well</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TDS</td>
<td>Total dissolved solids</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

(1) Secondary MCL.

This discussion shows that groundwater concentrations for the constituents of concern in the vicinity of the Project exceeded MCLs prior to the use of groundwater for lake level maintenance and so there is no evidence to suggest that TRC’s lake level maintenance activities since 2001 has had a negative impact on groundwater quality.

Response 24 Q.

Commentor notes the evaporation losses from Tejon Lake will tend to concentrate inorganic constituents causing increasing salinity levels. Commentor states that runoff from the lake is detrimentally affecting the water quality of Grapevine Creek.

The ongoing management of Castac Lake, including groundwater pumping to maintain the lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1, Castac Lake. However, the Draft EIR did assess the Project’s potential surface water quality impacts in the Castac Lake watershed and downstream water bodies and found these impacts to be less
than significant. See Draft EIR at 4.8-22 through 4.8-47. In fact, as discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY, the Project would result in improved water quality in the Castac Lake watershed for several water quality parameters:

- **Total suspended solids (TSS):** Mean annual TSS concentrations in runoff to Castac Lake would decrease substantially. Draft EIR, Table 4.8-10.
- **Nutrients:** Phosphorus, ammonia and total nitrogen concentrations in runoff to Castac Lake would all decrease. Draft EIR, Table 4.8-11.
- **Total dissolved solids (TDS):** Substantial TDS reductions would occur in runoff to Castac Lake. Draft EIR, Table 4.8-12.
- **Metals:** Total zinc concentrations would decrease substantially in runoff to Castac Lake, total lead concentrations would be unchanged, and dissolved copper concentrations would increase slightly; all concentrations of these metals would be below the applicable CTR acute criteria. Draft EIR, Table 4.8-13.

Additionally, the Draft EIR noted that the Project would increase stormwater runoff volumes to the Castac Lake. Draft EIR Table 4.8-4. As noted above, while higher in volume, this stormwater runoff would be of better quality than existing stormwater runoff, resulting in water quality benefits to Castac Lake, specifically including reduced levels of salinity.

**Response 24 R.**

Commentor comments that keeping Castac Lake full prevents it from serving as a catchment basin for runoff from Cuddy Creek and that removing the lake's natural ability to absorb the effects of unusually high precipitation and runoff in the area increase the risk of severe flood damage to downstream areas. The comment notes flood events in 2001 and 2005.

The ongoing management of Castac Lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. Historical conditions of the lake are briefly summarized, and water quality impacts associated with the Project on Castac Lake and Grapevine Creek are thoroughly discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY.

Regarding downstream flooding risks, please refer to Response to Comment 12-H and Global Response 7.5.1 regarding Castac Lake issues generally.

**Response 24 S.**

Commentor comments that impacts related to Castac Lake would have impacts to plants and animals that are adapted to a seasonal salt marsh environment.

There are no salt marsh communities on the proposed Project site. As discussed in Section 4.4.2, ENVIRONMENTAL SETTING, vegetation mapping was conducted on the Tejon Mountain Village site in 2007. The Draft EIR describes the vegetation communities observed on site in accordance with the List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database (DFG 2003) and the List of California Vegetation Alliances (DFG 2007), which is described on pages 4.4-5 through 4.4-35 of the Draft EIR. The acreage of each vegetation community is presented in Table 4.4-2 (pages 4.4-5 through 4.4-9), and their locations on the Project site are shown on Figure 4.4-4 (page 4.4-7) of the Draft EIR. Vegetation communities are also discussed on pages 4.1-1 through 4.4-154 of Appendix E-1 to the Draft EIR.
Response 24 T.

Commentor suggests that the analysis of effects to Castac Lake, including endangered species, were avoided, along with mitigation associated with lake-related impacts.

In Section 4.4.2, ENVIRONMENTAL SETTING, Castac Lake is described due to its proximity to the proposed Project site. Draft EIR at 4.4-4. While Castac Lake is not on the proposed Project site, it could be adversely affected by the Project and thus was comprehensively addressed in both the "Environmental Setting" and Project impact evaluation (and mitigation) sections of the Draft EIR. For example, special-status species, including listed species, that were observed on or adjacent to Castac Lake, or have potential to occur in association with Castac Lake, are listed in Tables 4.4-15 and 4.4-16 and described in detail in Section 4.4.2, ENVIRONMENTAL SETTING. These species include:

- Two-striped garter snake
- Western pond turtle
- Western spadefoot toad
- Bald eagle
- Golden eagle
- White-tailed kite
- American peregrine falcon
- Northern harrier
- Short-eared owl
- American white pelican
- Caspian tern
- Long-billed curlew
- Least bittern
- Little willow flycatcher
- Southwestern willow flycatcher
- Least Bell’s vireo
- Purple martin
- Black swift
- Tricolored blackbird
- Yellow-headed blackbird
- Vermilion flycatcher
- Yellow warbler
- Yellow-breasted chat
- Pallid bat
- Townsend’s big-eared bat
- Western mastiff bat
- Western red bat
- Spotted bat
- Black-tailed jackrabbit

In addition, trapping studies for western pond turtle were conducted in Castac Lake outside of the proposed Project site (Draft EIR, page 4.4-59) to address indirect Project impacts to this species, if detected in or adjacent to Castac Lake. No western pond turtles were observed during this focused survey or other biological surveys on the Project site.

Section 4.4.4, IMPACTS AND MITIGATION MEASURES, defines the different types of impacts that were analyzed in the Draft EIR. Potential adverse impacts to Castac Lake are described as short-term
(construction-related) indirect impacts and long-term (operations-related) indirect impacts that may occur at the development–lake edge or interface. Potential short-term construction-related indirect impacts that could adversely affect sensitive vegetation communities and special-status species and their habitats in the interface area include construction-generated fugitive dust, noise and vibration, increased human activity, hydrologic changes, and chemical releases, among others. Potential long-term (operations-related) indirect impacts include lighting and glare, increased human and pet activity, invasive plant and wildlife species, hydrologic changes, and chemical pollutants, among others.

Rather than presenting a generic “one size fits all” analysis of these indirect effects on sensitive vegetation communities and special-status plant and wildlife species, the Draft EIR provides separate detailed analyses for each of these special-status biological resources. The analysis of short-term and long-term indirect impacts on sensitive vegetation communities is presented on pages 4.4-390 through 4.4-394 of the Draft EIR. Potential short-term construction-related indirect impacts to sensitive riparian and bottomland communities are primarily related to construction activities and are associated with fugitive dust, short-term changes in hydrology, potential for chemical releases, and sedimentation and erosion. See Draft EIR at 4.4-391. Potential long-term indirect effects are those identified on page 4.4-76 of the Draft EIR, and those that could result from increased human activity levels (e.g., greater use of trails and roadways; the creation of ornamental gardens with non-native plants; irrigation; fire prevention and control measures that affect existing vegetation; accidental or unauthorized releases of chemical products, including pesticides; or on-site waste). Table 4.4-157 summarizes the impacts to sensitive vegetation communities and the mitigation measures that will be implemented to reduce significant indirect impacts to a level less than significant. For example, for short-term indirect impacts to sensitive riparian and bottomland communities, Mitigation Measure 4.4-9 requires construction plans to include Project design features, construction notes, erosion and dust controls, and the implementation of a stormwater pollution prevention plan that includes best management practices to protect adjacent habitats and sensitive vegetation communities during construction. For long-term indirect impacts to sensitive riparian and bottomland communities, implementation of Mitigation Measure 4.4-16 would avoid and minimize the potential effects of plant species infestations in Project open space through the use of native and non-native, non-invasive species that do not require high irrigation rates in adjacent landscaped areas.

The indirect impacts on special-status species are analyzed in Draft EIR Tables 4.4-19 through 4.4-152. For example, Table 4.4-62 provides a complete summary of short-term direct and indirect impacts and avoidance of suitable habitat for the bald eagle. Short-term construction-related indirect impacts identified for the species in Draft EIR Table 4.4-62 include construction dust; hydrologic modifications; chemical releases; increased human activity from construction workers; and construction-related noise and vibration. Draft EIR Table 4.4-129 describes long-term direct and indirect impacts to the bald eagle and provides a complete summary of long-term indirect impacts, including potential chemical releases, such as pesticides and oil or grease from vehicles; lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban runoff and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the Project’s underground utility systems. Draft EIR Tables 4.4-62 and 4.4-129 identify mitigation
measures that will mitigate these short-term and long-term indirect effects to the bald eagle to a level less than significant. These mitigation measures are described in more detail in Draft EIR Table 4.4-153. As examples of mitigation measures for short-term indirect effects, Mitigation Measure 4.4-8 requires pre-construction meetings and construction monitoring, including verification of staking and fencing of the Project disturbance area that will help avoid short-term indirect impacts to the bald eagle such as increased human activity, ground vibration, and noise. Mitigation Measure 4.4-9 requires that construction plans include all details and specifications regarding biological resource protection measures and best management practices, which would address short-term indirect impacts such as fugitive dust, hydrology, sedimentation and erosion, and chemical pollutants. Mitigation Measure 4.4-23 includes establishment of riparian Special Management Areas that require either avoidance or performance measures to avoid or minimize impacts to biological resources; many of these riparian Special Management Areas have been created to avoid habitat around Castac Lake. As examples of mitigation measures for long-term indirect effects, Mitigation Measure 4.4-40 requires focused surveys, within 1 mile of Castac Lake, for wintering bald eagles and management of preferred diurnal perches and identified roosting areas. Mitigation Measure 4.4-36 would avoid and minimize the potential effects of non-native mesopredators, which could predate on the bald eagle, through requiring property owners to control trash in order to prevent artificially increasing the populations of non-native mesopredators.

A similar level of analysis is conducted for special-status plants. For example, Draft EIR Table 4.4-28 addresses potential short-term indirect impacts to San Bernardino aster, including but not limited to construction dust, hydrologic modification, chemical releases, and increased human activity. Draft EIR Table 4.4-95 addresses potential long-term indirect impacts, including chemical releases, such as pesticides and oil or grease from vehicles; hydromodification from increased urban runoff and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the Project’s underground utility systems. Draft EIR Table 4.4-153 describes the mitigation measures that would reduce these potentially significant short-term and long-term indirect impacts to a level less than significant. As examples of mitigation measures that would mitigate for short-term indirect impacts, Mitigation Measure 4.4-9 requires that construction plans include all the details and specifications regarding biological resource protection measures and best management practices. These measures and best management practices address fugitive dust, hydrology, chemical pollutants, and other operational requirements. Mitigation Measure 4.4-15 requires compliance with Regional Water Quality Control Board regulations, which would address the potential effects of pollutants and alterations of hydrology on this species. As examples of mitigation measures that would mitigate for long-term indirect impacts, Mitigation Measure 4.4-16 would provide for avoidance and minimization of the potential effects of plant species infestations through the use of native or non-native, non-invasive species in adjacent landscaped areas.

Response 24 U.

The commentor expresses concerns related to the long-term sustainability of artificially maintaining Castac Lake, specifically, lake water quality concerns. The commentor states that Castac Lake is “highly susceptible to stagnation and eutrophication, no matter how much groundwater is pumped into it.”

Since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project.
Additionally, Project impacts to Castac Lake water quality were discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. As discussed in Response to Comment 24-M, the Draft EIR appropriately assessed the Project's potential impacts on Castac Lake water quality by assessing pollutant loadings, concentrations, and runoff volumes to the Lake. See Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY and "Tejon Mountain Village Specific Plan Water Quality and Hydromodification Technical Report" regarding water quality modeling. The Project’s potential surface water quality impacts in the Castac Lake watershed were found to be less than significant after implementation of the Mitigation Measures 4.8-1 through 4.8-40 (refer to pages 4.8-22 through 4.8-47 of the Draft EIR).

Additionally, the Project Mitigation Measures include source control and treatment control BMPs that will control nutrient sources to the Lake (refer to pages 4.8-38 through 4.8-47 in the Draft EIR). Further, quantitative analyses were conducted to assess pre- and post- development loads of nutrients to the Lake. Section 9.1.3 in Appendix A-1 of the Draft EIR provides a detailed discussion of the results. Total nitrogen loadings to the Lake are estimated to decrease under post-development. Because the Lake is considered nitrogen-limited, it was found that with implementation of Mitigation Measures, discharges associated with the Project will not promote nuisance algal growth or adversely affect beneficial uses, and will therefore comply with the Basin Plan objective. Therefore, the impacts of the Project with respect to eutrophication were found to be less than significant. Draft EIR at 4.8-34.

Response 24 V.

Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 W.

The comment accurately quotes from CEQA Guidelines section 15064(d). The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 X.

Please refer to Global Response 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 Y.

The comment accurately quotes from CEQA Guidelines section 15125(a). The comment then continues to explain how the description of the pre-existing environment prior to commencement of the Project allows for analysis of significant changes in the environment caused by the Project. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 Z.

Commentor notes that the County analyzes the impact of flows from the Project area into Castac Lake, even though the lake is not a part of the Project. Commentor further notes that the majority of the water quality data collected represents water quality of the lake since the intensive intervention and groundwater pumping began in 2001. Commentor quotes the statement in the Draft EIR that "[t]o assess baseline wet-weather water quality conditions in the lake, five samples taken during storm events were identified in the 2000-2006 dataset."
Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. Castac Lake is the primary receiving water body for a portion of the Project runoff. Therefore, as appropriate, water quality data from the lake were used in part to identify the Project pollutants of concern and to assess the Project’s potential surface water quality impacts in the Castac Lake watershed. The impact assessment made use of all water quality monitoring data available to the study team, and these data are discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY, and in detail in the technical Appendix N-1. As the comment notes, these data included sampling data collected between 2000 and 2006. The comment includes an accurate quote from the Draft EIR from Section 4.8, HYDROLOGY AND WATER QUALITY.

Response 24 A2.

Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.


Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 C2.

Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 D2.

Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 E2.

Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 F2.

The comment quotes from the California Government Code section 2006(a), which purportedly states that each county must "adopt a general plan that establishes policies to guide future development and conservation within that county." This code section, and the quoted text, could not be located for confirmation of accuracy. The comment also quotes from the Kern County General Plan section 1.10.8. While the cited section is the "Smart Growth" section of the Kern County General Plan that was adopted on June 15, 2004, the quoted text is located in the Introduction to the General Plan, pages vii - viii. The comment accurately quotes from the Introduction to the Kern County General Plan. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 G2.

Commentor notes that page 4.12-10 of the Draft EIR recognizes the part time and seasonal basis nature of future residences given that the Project is designed as a resort community. Commentor believes that Tejon Mountain Village will not be an intact community and will be inconsistent with the smart growth provisions of the County’s General Plan. In addition, the comment suggest that a resort community will result in an increase in vehicle trips due to trip making between the primary residence of future homeowners and the Project.
Commentor accurately cites page 4.12-10 of the Draft EIR, which is contained in the Population and Housing chapter of the Draft EIR. The sentence cited is contained within a paragraph explaining that the proposed Project could be expected to accommodate approximately 10,671 new residents at full build out. This estimate is based on full time year round occupancy. The Draft EIR analyzes all topical issues in this manner to present a worst case analysis. This includes the traffic analysis, which reflects commutes, and on- and off-site trips associated with full-time occupancy. If the Draft EIR assumed as the comment suggest that residences will only be occupied part time, traffic impacts would be significantly less. The day-to-day driving activity of full time residents would be considerably higher than the infrequent (often off-peak) driving activity of part time residences from their primary residence to their vacation home. This is true even with the greater distance of the initial and return trip length of the part time resident because the worst case analysis assumes daily trips (work/shopping) by full time residents, frequently at peak periods and on a regular basis. The constant driving activity of full time residents assumed in the model would exceed the infrequent long distance travel of part time residents.

Page 4.9-51 of the Draft EIR addresses the Project's consistency with Policy 49 of the Kern County General Plan (Smart Growth). The consistency analysis states as follows: “The project would implement innovative planning techniques for resort land use, including limiting development to 20% of the project area; mixed use development; a variety of housing types; energy-efficient design; provision of pedestrian facilities; conservation of open space; preservation of historic ranching activity land uses on site; avoidance of flood prone areas, creek, wetlands, and other natural features; adequate infrastructure; and an aesthetically pleasing and unifying design. Therefore the project would be consistent with this policy.” Please refer to Response 24-J2, below, regarding the smart growth components of the Project.

Response 24 H2.

Commentor states that “The DEIR does not address the increase in vehicle trips as a significant impact that would result from a vacation home development. Nor does the DEIR address the increase in vehicle trips as an inconsistency with the General Plan, as required by CEQA Guideline 15125. Instead, the DEIR asserts that “[t]he project would include a village/mixed-use center that could include high-density housing, commercial uses, and retail amenities and would, therefore, likely reduce vehicle trips outside of the project.”

The Draft EIR makes a detailed analysis of the increase in vehicle trips resulting from the project in Section 4.15, TRANSPORTATION AND TRAFFIC. The Draft EIR also assesses traffic impacts and Project consistency with the General Plan in Section 4.9, LAND USE, and in Section 4.15.3 (Regulatory Setting, TRANSPORTATION AND TRAFFIC), in compliance with CEQA Guideline § 15125(d). The Commentor does not identify which component(s) of the General Plan are inconsistent with the Project; however, after a comprehensive evaluation of Project consistency with Circulation and other elements of the General Plan, the Draft EIR concludes that the Project, including requested deviations summarized in Table 4.9-7, does not conflict with the County General Plan. Draft EIR, p. 4.9-78. Information presented in the Transportation and Circulation section first describes the trips generated by the Project (Table 4.15-6 on Page 4.15-16), and then summarizes the distribution of these trips onto the adjacent roadway system (Table 4.15-7 on Page 4.15-17). The statement regarding the village/mixed use center referenced in the comment is intended to note that by having such a center, there will be fewer trips outside the project because residents have local access to grocery stores and related household goods and services. Had the Project not been planned with the village/mixed use center, Project residents and guests would have had to travel longer distances to such goods and services. The Draft EIR does not imply that Project trip volumes are reduced below No-Project conditions.
Response 24 J2.

Commentor asserts that the Project is "leapfrog development" and is therefore more environmentally objectionable than sprawl. As explained below, because the Project is a resort, it does not cause the negative effects associated with sprawl or leapfrog development.

Sprawl can be defined as the unplanned, uncontrolled spreading of urban development into areas adjoining or "leapfrogging" past the edge of a city or town. Sprawl typically involves development of single uses, such as a single-family residential subdivision, rather than a cohesive, interconnected community comprised of a variety of uses. Sprawl has come to be understood as problematic because this development pattern causes a variety of negative effects. One of sprawl's primary problems is that it frequently distances new homes in outlying areas from jobs in existing employment centers. Kneebone 2009. This requires individuals to travel greater distances to work, as well as to shopping and other amenities, on a daily basis. A second and related problem with sprawl is that it typically involves a low-density, residential development pattern, which does not make public transit service economical, efficient, or viable. Accordingly, individuals living in sprawl must use cars for their commutes. These two issues (distance from jobs and no public transit) function to increase vehicle miles traveled, which results in increased gasoline usage, tailpipe carbon emissions, needed infrastructure and infrastructure maintenance, and traffic. Id. Sometimes, over time, jobs and services begin to follow the construction of residences in further outlying areas, resulting in the exploitation of new resources for the construction of uses that are already accommodated in existing cities and towns. Because regions often cannot support jobs and services in both locations, this can lead to urban decay. A host of other racial, social and health problems have also come to be understood as directly and indirectly related to sprawl. Stoll 2005.

By contrast, a resort can be defined as a place providing recreation, relaxation and/or entertainment to vacationers. Resorts are likely to contain a variety of uses, including lodging and residences, activity centers (golf course, trails), and supporting retail and services (restaurants, some shopping, personal services). Resorts serve an entirely different purpose than sprawl developments, and therefore contain different uses and generate different behaviors. Most importantly, resort residential units generally do not generate daily trips to work, because resort guests are taking time off or are retired. Guests travel to the resort and tend to remain at or around the resort throughout their stay. Accordingly, the negative effects associated with increased vehicle miles traveled from daily employment commuting are not at issue. In addition, guests tend to want their service needs to be met at or near the resort. Accordingly, shopping, dining, and recreation will take place at the resort's amenities or in nearby towns that guests decide to explore, further reducing trip length in relation to sprawl development. Finally, the nature of a resort is to
accommodate a desire to "get away" or "escape" and as a result, resorts are located in a place outside of and away from an existing city or town – often somewhere more remote. As a result, resorts do not take uses (like homes and jobs) away from an existing community that is already providing them. Rather, they provide a different set of uses and opportunities that guests cannot satisfy in the existing city or town or community in which they reside. For these reasons, the negative effects associated with sprawl are not linked to resorts.

Consistent with its first stated objective, the Project is a "unique, low-density mountain resort that preserves the ranching and natural heritage of the Tejon Mountain Village property…." Tejon Mountain Village Specific Plan, Section 1.6.2. The Project, which is located in the Transverse and Tehachapi mountain ranges and on a portion of the historic Tejon Ranch, proposes up to 750 lodging units, two 18-hole golf courses and associated facilities, riding and hiking trails, equestrian facilities, as well as resort residences and a small amount of supporting commercial space. Id. at Section 1.6.1. Eighty percent of the Project area would remain undeveloped. Id. Because the Project is a resort and contains resort uses, and because resort guests do not exhibit the same behaviors as sprawl residents, the Project is not anticipated to cause those impacts typically associated with sprawl or leapfrog development. For example, it is not anticipated that occupants of the resort lodging and resort residences will be driving to work from the Project on a daily basis, or that resort lodging and resort residences will be occupied year-round. The Draft EIR analyzes traffic impacts very conservatively, because it quantifies the number of trips according to ITE rates for residential uses. These rates assume residences are in a non-resort environment, and accordingly assume that a series of daily trips will be made from the residences to work. The Draft EIR traffic analysis also assumes that resort residences will be occupied on a full-time, year-round basis. See Draft EIR Table 4.15-6, "Project Trip Generation at Build Out with Full Time Residential Occupancy" and Section 4.15, TRANSPORTATION AND TRAFFIC, stating that "the approach provides a very conservative estimate because many of the dwelling units in Tejon Mountain Village are likely to be occupied on a seasonal or part-time basis." Accordingly, the traffic analysis probably drastically overestimates the number of trips that the Project will actually generate. In fact, it is anticipated that the resort Project will generate on-site jobs to help reduce the relatively high unemployment rate in the surrounding communities. See Draft EIR Section 4.12, POPULATION AND HOUSING (stating that Kern County’s January 2009 unemployment rate was higher than California’s rate (10.1%) and higher than the national rate (7.6%) for the same period) and Draft Section 4.9, LAND USE AND PLANNING (finding the Project to be consistent with General Plan Policies 56, 61 and 64 because of its provision of employment opportunities). The fact that the Project creates job opportunities for an existing and proximate unemployed population is another feature that indicates it is not sprawl or leapfrog development.

In addition, the Project does not risk "stealing" uses from existing cities or towns because the Project is designed to offer a resort community get-away to residents of Los Angeles and Bakersfield. Because the Project is designed to satisfy different needs than what existing communities can provide, the Project is not anticipated to produce regional competition for the same uses or lead to urban decay. In addition, the Project is included in, and consistent with, the approved Kern COG Regional Blueprint Program. KCOG 2009a. The Regional Blueprint Program is designed to prevent sprawl and help regions plan for growth via coordinated and regional transportation, housing, and land use planning. KCOG 2009a. The Regional Blueprint Program is a precursor to SB 375, the statute requiring regional land use and transportation planning to be coordinated in order to help regions meet quantitative greenhouse gas emissions reduction goals. The Project is included in an alternative scenario for regional growth that Kern COG believes better reflects the region’s vision and guiding principles of growth than the General Plan designations currently in effect for this part of Kern County. Given that it is consistent with the regional plan that is designed to combat sprawl and promote forward-thinking regional planning, the Project is not sprawl.
It should be noted that some commentors asserted that the Project constitutes sprawl when considered in association with residential development projects proposed to be developed in the area. As discussed above, the Project is a "unique, low-density mountain resort," designed to preserve the heritage of the ranch on which it is located, and it is comprised of resort uses. As also discussed above, the Project is consistent with Kern COG's Regional Blueprint Program. As a result, the Project itself is not sprawl and does not generate the negative effects associated with sprawl. The residential development projects proposed in the area are not resorts and the Project has no relationship to them. Accordingly, it is not accurate to classify the Project – a resort - as a part of these other proposed development projects – non-resorts – and then collectively label them all "sprawl".

While the resort Project is not anticipated to cause the negative effects typically associated with sprawl, the Project's features are also anticipated to minimize its impacts as a resort. As compared to other locations in which mountain resorts used by Southern California residents are currently located (e.g. Mammoth Mountain, Jackson Hole, Lake Tahoe, Taos), the Project is much closer to the areas it is intended to serve -- Southern California -- thereby reducing resort-related travel distances and resulting greenhouse gas emissions. The Project's location also minimizes greenhouse gas emissions as compared to other locations in which a mountain resort could be developed. The Project will be directly accessible from the Interstate 5, requiring less new infrastructure to make the site accessible and requiring resort guests to travel fewer miles to reach their destination. This reduces potential greenhouse gas emissions from vehicle use. The Project's location also provides it proximity to the California Aqueduct, further reducing the amount of necessary new infrastructure and greenhouse gas emissions that would otherwise be generated from construction and operational activities related to water provision. In addition, the Project's location in a temperate climate further reduces energy use related to heating and cooling and associated greenhouse gas emissions.

In conclusion, because the Project is a resort and contains resort uses, it will not cause the negative impacts that are associated with sprawl or leapfrog development. In addition, the location of the Project will help to minimize impacts that could otherwise be associated with mountain resorts.

Commentor also asserts that the Project necessitates the construction of new infrastructure when well-established communities in Kern County lack basic infrastructure. The Draft EIR Section 4.15, TRANSPORTATION AND TRAFFIC, and Section 4.16, UTILITIES AND SERVICE SYSTEMS analyze the Project's impacts and required new infrastructure. As discussed above, resorts accommodate a desire to "get away" or "escape" and as a result, resorts are located in a place outside of and away from an existing city or town – often somewhere more remote. As a result, resorts may involve the establishment of new infrastructure. However, as also discussed in the above, the Project's direct accessibility from the Interstate 5 and proximity to the California Aqueduct, means that it requires less new infrastructure than alternate mountain resort sites to make the Project site accessible.

Response 24 K2.

The commentor asserts that the Draft EIR violates CEQA because it does not discuss an alleged inconsistency between the Project and the General Plan, citing a statement on Draft EIR page 4.9-24 regarding the construction or extension of public services. Draft EIR Section 4.9, LAND USE AND PLANNING, extensively analyzes Project consistency with the General Plan and other applicable land use plans, policies, or regulations. This Section identifies all of those items within the General Plan that the applicant seeks to amend in order to ensure compatibility, and Table 4.9-5 lists all applicable goals and policies within the General Plan and provides an analysis of the Project's consistency with each of them. The passage cited by commentor is from Table 4.9-5 and relates to the General Plan's, Land Use, Open Space and Conservation Element, Chapter 1.4, "Public Facilities and Services," Goal 2. This goal
reads, "Promote an urban growth pattern in areas where adequate public service infrastructure exists or can be provided." In analyzing the Project's consistency with this Goal, Table 4.9-5 notes that the Project does not constitute "urban growth": "As a mountain resort community, the project is not located in an urbanized community and is not part of an urban growth pattern." The Project is not "urban" pursuant to CEQA, and thus this Goal is not applicable. See Public Resources Code § 21071(b).

It should be noted that Table 4.9-5 discusses Project consistency with a number of other Public Facilities and Services Goals and Policies, including Policy 2: "The efficient and cost-effective delivery of public services and facilities will be promoted by designating areas for urban development that occur within or adjacent to areas with adequate public service and facility capacity." In its Project consistency analysis with Policy 2, Table 4.9-5 states, "In accordance with Tejon Mountain Village Specific Plan Section 3.4 and Chapter 7, and the Tejon Mountain Village Special Plan No. 1, Map 256, an efficient and cost-effective infrastructure system would be provided by the Project proponent. As it becomes available, recycled water would be provided from the wastewater treatment plan owned and operated by TCWD. As analyzed in the Draft EIR Section 4.16, "Utilities and Service Systems," adequate waste collection, treatment, and disposal facilities would be provided. Chapter 7 of the Tejon Mountain Village Specific Plan outlines anticipated phasing of implementation, probable financing, and maintenance provisions regarding Project infrastructure. Therefore, the Project would be consistent with this policy."

In conclusion, the Draft EIR properly analyzes Project consistency with those General Plan goals and policies to the extent that they are applicable to the Project. See Draft EIR Section 4.9, LAND USE AND PLANNING. The Draft EIR also identifies those amendments needed to the General Plan in order to ensure Project consistency. Id.

Response 24 L2.

The commentor expresses an opinion that the Tejon Mountain Village Project was planned at a time when inflated credit availability fueled runaway growth and ballooning rates of home ownership. He believes that the Draft EIR should describe the impact of the unsustainable bubble of the housing sector and the rest of the economy and that the Project applicants have misplaced optimism regarding the housing market. He states an opinion that Kern County should not approve the Tejon Mountain Village Project because market conditions do not exist that will support the Project, that the Project represents leap-frog development and that it is premature. More generally, these comments question the marketability and economic feasibility of the underlying Project. Under CEQA, a lead agency is obligated to evaluate the environmental impacts of a proposed project, and to require implementation of required mitigation measures and the project itself, if and to the extent the project is approved and is undertaken. CEQA does not require lead agency assessment of the marketability of a proposed project. Commentor is also focused on the current recessionary economy, but the Project is planned to be constructed over two or more decades (20 years was considered in the EIR to conservatively assess environmental impacts) and will be subject to variable real estate and market cycles.

Section 4.9, LAND USE, of the Draft EIR analyzed the Project’s consistency with applicable Land Use, Policy and Regulations and found that they were Less than Significant. Kern County’s General Plan anticipated development within the Project area. In addition, the Project is consistent with Kern County’s Council of Government Blueprint Plan of development.

The commentor’s comparison of the Project to the Stonefield development in north-western Bakersfield is inappropriate. Stonefield was a suburban tract development planned on the outskirts of Bakersfield. The Tejon Mountain Village Project is a destination resort community which is not anticipated to have the full time occupancy associated with suburban developments. As a mountain resort, urban-oriented
planning principles that address growth of existing towns are not applicable. Please refer to Response to Comment 24-J2 for a response to the comment on leap-frog development. The commentor’s opinions will be provided to decision makers and included in the record.

Response 24 M2.

The comment accurately quotes from Policy 9 of Section 1.6 of the Kern County General Plan and from page 4.14-9 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 N2.

Commentor notes that the Project is planned in an area without adequate infrastructure, and believes that the Draft EIR is inaccurate in concluding that the Project would not burden existing infrastructure. Commentor recommends that the Project be discouraged to comply with the General Plan. The infrastructure setting of the Project site, the infrastructure needs of the Project, the infrastructure provided in part or in whole by the Project, and the impact of the Project on existing infrastructure, is discussed in Chapter 4 of the Draft EIR, including Section 4.8, HYDROLOGY AND WATER QUALITY, Section 4.13, PUBLIC SERVICES, Section 4.14, Recreation, Section 4.15, Transportation and Traffic, and Section 4.16, UTILITIES AND SERVICE SYSTEMS. Commentor does not provide any specific examples of infrastructure not analyzed in the Draft EIR, nor does commentor identify what public services would be burdened by the Project. The Project's consistency with the Kern County General Plan is analyzed in Section 4.9, LAND USE, and identifies General Plan amendments that are required to make the Project consistent with the General Plan. These comments are also noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 O2.

The comment accurately quotes from Section 1.4 of the Kern County General Plan and from Page 4.13-10 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 P2.

Commentor states that the Kern County General Plan policy of requiring new discretionary development to pay its proportional share of the local costs of infrastructure improvements required to service such development is undermined by the Tejon Mountain Village Project's plans related to fire control. Section 4.13, PUBLIC SERVICES, of the Draft EIR describes impacts on public services and provides corresponding Mitigation Measures. Mitigation Measure 4.13-1 requires the Project to pay development impact fees for public services, and Mitigation Measure 4.13-2 through 4.13-7 also include specific mitigation commitments for fire services. This general comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 Q2.

The comment accurately quotes from pages 4.13-15 and 4.13-16 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 24 R2.

Commentor states that Tejon Mountain Village's proposal to cover 50% of the cost of a new fire station does not constitute the proportional share of local costs of infrastructure improvements mandated by the General Plan. The comment identifies only the mitigation required of the Tejon Mountain Village developer. Tejon Mountain Village will also contribute to the County's General Fund through property tax and sales tax revenues, and these fiscal contributions of the Project are appropriately included in the evaluation of the extent to which the Project is paying for its proportional costs of local infrastructure improvements. The planned fire station in Lebec is a replacement and upgrade of an existing station that serves the existing population. This station will also continue to serve the Mountain Communities more generally, and other fire facilities proposed within the Project will likewise be available to respond to fire emergencies throughout the Mountain Communities and elsewhere in the region. Further analysis and evaluation of fire service Project impacts and mitigation measures are detailed in Section 4.7, HAZARDS, including wildfire risk) and Section 4.13, PUBLIC SERVICES, including fire protection. Mitigation Measure 4.13-2 also requires the Project to help fund the reconstruction of Fire Station 56, which services the existing community as well as the Project site. Mitigation Measures 4.13-3 through 4.13-4 require the Project to fund a ladder truck as well as operational for the ladder truck. Mitigation Measures 4.13-5 through 4.13-8 require the Project to contribute funding for other on-site fire fighting facilities. Commentor's conclusion that the Project is not sufficiently funding its proportional share of fire services is included in the administrative record and forwarded to the Planning Commission and Board of Supervisors.

Response 24 S2.

Commentor states that the County would violate General Plan policies by approving a development that is vulnerable to fire, thereby subjecting County resources to costly fire suppression efforts and putting firefighters in harm's way. The Project includes a comprehensive Fire Protection Plan, Appendix D of the the Tejon Mountain Village Specific and Community Plan and Special Planning District that meets or exceeds all applicable fire protection standards, including new state standards for fire protection in urban/open space interface areas. The Project also includes mitigation measures relating to wildfire and fire services more generally (see Sections 4.7, HAZARDS, including wildfire, and Section 4.13, PUBLIC SERVICES, including fire protection services). The Project's conformance with General Plan policies is assessed in Section 4.9, LAND USE AND PLANNING, and as noted above the Project includes a detailed Fire Protection Plan. The commentor has not identified any General Plan policy relating to fire protection or fire services that would be violating by approving the Project, nor was any such policy violation identified in the County's evaluation of these General Plan policies in the Draft EIR.

As noted above, the Project’s FPP addresses site risk associated with wildfire, including a detailed description of fuel modification practices, responsibility, and enforcement protocols (Draft EIR, Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District). There are no recorded prescribed fires on most of the Tejon Mountain Village Project site. Thus, prescribed fire has not been a tool used to reduce wildfire occurrence or spread in the majority of the Tejon Mountain Village area throughout recorded history. Research is inconclusive regarding the role that burned vegetation patches (scars) play in the overall occurrence of catastrophic wildfires. Some research indicates that fire suppression efforts over the last several decades may have aided the accumulation of fuels and that creating mosaics of vegetation ages by prescribed burning may reduce wildfire spread. Conversely, other research indicates that large fires, such as the 2007 fires in San Diego and Orange counties, may be only minimally constrained by varying fuel loads during extreme fire weather inherent to Southern California. It is these extreme weather conditions that were evaluated in developing the fire
protection standards for the proposed Project. See Draft EIR, Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District.

Response 24 T2.

Please refer to the Response to Comment 24-S2.

Response 24 U2.

The comment accurately quotes from page 4.16-27 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 V2.

Commentor questions the Draft EIR's conclusion that the energy demands from the construction of the Project will exceed the capacity of the energy supplier.

Although commentor is correct that the Draft EIR does not include estimates of the energy requirements that will result from Project construction, the Draft EIR includes an extensive analysis of the Project's operational energy demands, and concludes these impacts would be less than significant. Draft EIR at 4.16-27 to 4.16-34. Given the small amount of energy demands that Project construction would generate relative to Project operations, the Draft EIR properly determined quantitative analysis was not required to make this determination.

Response 24 W2.

The comment accurately quotes from California Water Code section 10910(c)(3). The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 X2.

The comment accurately quotes from the Project's Water Supply Assessment, Appendix N-1, Section 5.1.1 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 Y2.

This comment suggests that “climate change” and “dwindling supplies” could result in “unprecedented shortages” of water and that the Project does not take “into account the factors that may combine to limit water availability” as required by the Water Code.

In accordance with the California Water Code, Sections 10910 et seq. and the CEQA, Kern County requested that TCWD, the applicable “public water system” as defined by the Water Code, prepare a water supply assessment (WSA) for inclusion in the Draft EIR. On July 18, 2008, TCWD approved the WSA in accordance with Water Code Section 10910(g) and the WSA was included as Appendix N-1 to the Draft EIR. The WSA was prepared in accordance with the requirements of Water Code Section 10910(c)(3), which states in relevant part that the “water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water...
demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.” The WSA and Draft EIR incorporate the most conservative assessments of future State Water Project (SWP) delivery levels identified in the current SWP reliability report published by the California Department of Water Resources (DWR).

Among other factors, the SWP reliability report considers potential future SWP supply constraints due to rainfall and other hydrologic variability, endangered species regulations, and climate change. The report analyzed four climate change scenarios and compared the delivery reliability impacts that would occur in each case during average, single dry and multiple drought year conditions. The results of this analysis are summarized in Table 10 of the Project’s Water Supply Assessment (WSA) and included in the Draft EIR analysis. The “Geophysical Fluid Dynamic Lab Model, Emissions Scenario B1” (GFDL-B1) projection is the most conservative projection identified in the current SWP reliability report (see WSA, Table 10). The GFDL-B1 scenario was incorporated into the Project WSA to provide the most conservative assessment of potential climate change impacts that may affect Project water supplies. The WSA and Draft EIR include the most current and conservative climate change impact, normal year and dry year scenarios developed by the DWR for the SWP. Factors that could combine to limit supply availability are also explicitly considered in Section 5.1.1, 5.1.2 and 5.5 of the WSA and in the Draft EIR at 4.16-13 through 4.16-14. The factors identified in the Draft EIR and the WSA include climate change, future SWP system operational disruptions, and hydrologic variability. The Draft EIR and WSA utilized an 82-year hydrologic model prepared by DWR called the “CalSim II” model to complete the 20-year normal, dry and multiple dry year projections required by the Water Code and CEQA. TCWD requested and received technical support from the Kern County Water Agency (KCWA) to calibrate the CalSim II model to reflect Kern County conditions over the 82-year period. KCWA is the SWP water contractor for Kern County. TCWD is a member unit of KCWA and receives SWP supplies from the Agency under contracts that generally mirror the terms of KCWA’s contracts with the SWP. The KCWA model was used to project TCWD water supplies assuming the District’s supplies would consisted of three (3) sources: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) banked water in the Kern Water Bank (KWB) and the Pioneer Project; and (3) SWP deliveries, assuming average, dry and multiple dry year SWP deliveries occur at the lowest levels identified in the current SWP reliability report (see Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 though 14). The analysis incorporated several additional conservative assumptions, including: (a) TCWD would be limited to a maximum of only 24,000 acre-feet of storage although TCWD’s current water banking levels are approximately 30,000 acre-feet; (b) TCWD would be required to meet full build-out levels of Project and other District demands from the start of the analysis even though full Project and other District demands would not be generated for several years; (c) water bank recharge will occur during the relatively few wet years indicated in the KCWA hydrologic model and assuming the lowest SWP delivery levels in the SWP reliability report; and (d) no supplemental water or groundwater would be available to augment District supplies although TCWD has rights to, and in the past has utilized, these resources. Despite these conservative assumptions, the analysis shows that TCWD is able to meet District demands, including the Project, in each of the normal, dry and multiple dry year projections required by the Water Code and CEQA. See Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 though 14. Consequently, the Project’s water supply analysis: (a) explicitly includes a conservative assessment of climate change, supply and hydrologic variability, species and other operational constraints and other factors that could affect supplies in the future; (b) uses the most conservative future SWP delivery levels identified in the SWP reliability report; (c) incorporates other highly conservative assumptions regarding TCWD’s available supplies and level of demand; and (d) complies with all applicable Water Code and CEQA requirements.

Response 24 Z2.

Commentator states that the Project's evaluation of impacts to regional recreational resources, including camping, is inadequate based on the Draft EIR's conclusion that Project residents and guests would be
unlikely to utilize nearby camping facilities in local forests during peak demand periods. Commentor specifically notes that this is not an enforceable mitigation requirement. The Draft EIR includes both an evaluation of potential impacts and, as appropriate under CEQA, mitigation measures for significant Project impacts. Because the Project is a resort community, with private onsite camping available for residents and guests, and numerous other open space amenities, the Draft EIR preparers concluded that it was unlikely that these same residents and guests would seek to use nearby public camping facilities in local forests. The Project site includes a broad range of habitat types, including forests, and the Draft EIR preparers concluded that based on the nature of the Project and the availability of private camping within the Project site, along with public demand for local forest campsites during peak periods, that the Project would not cause a significant adverse impact to regional public camping facilities and thus no mitigation is warranted under CEQA. The commentor's contrary conclusion is noted or the administrative record and will be forwarded to the Planning Commission and Board of Supervisors.

The comment accurately quotes from page 4.14-4 of the Draft EIR (although the quoted text replaces the acronym "OHV" with "off-road vehicle"). The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 A3.

The comment accurately quotes from pages 4.14-15 and 4.14-13 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please also refer to the Response to Comment 24-Z2.

Response 24 B3.

Please refer to the Response to Comment 24-Z2.

Response 24 C3.

Commentor criticizes the use of national statistics about utilization of national forest campsites in the Draft EIR's analysis of the probability that the Project would generate low demand for public campsites within the local national forest. As with Comment 24-B3, above, commentor believes the Draft EIR understates localized demand for public campsites in national forests during peak periods because only "limited" camping is available on the Project site, because buyers of Tejon Mountain Village would likely enjoy nature and be more likely to seek additional regional camping opportunities, and because a national forest is in the immediate vicinity of the Project. The majority of the Project site will remain private, open to residents and guests. Camping is one of the amenities available to such residents and guests, and was identified in the Draft EIR as "limited" because it is not generally available to the public. More than 20,000 acres of Tejon Mountain Village will remain in permanent open space, and the surrounding Tejon Ranch open space provides contiguous open space areas of more than 150,000 additional acres. The Draft EIR preparers concluded that with private open space camping opportunities available within the Project area, and with Project area natural open space forest areas that provide similar recreational opportunities as nearby more crowded public forest lands, it was unlikely that Project residents and guests would create any significant new demands, during peak demand periods, to local forest service campsites. Commentor's contrary conclusion is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.
The comment accurately quotes from page 4.14-13 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 D3.

Please refer to the Response to Comment 24-C3.

Response 24 E3.

Commentor also disagrees with the Draft EIR's conclusion that National Forest visitation would be lower than the general projected rate of national forest visitation. The Draft EIR preparers used the Project-specific factors noted above in Response to Comment 24-C3 in reaching this conclusion. Commentor's contrary conclusion is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

Response 24 F3.

Commentor states that the Draft EIR does not provide data to support its conclusion that Tejon Mountain Village residents would make fewer trips to forests and parks nearby because of the availability of recreational amenities within Tejon Mountain Village. Commentor believes it is "equally or more plausible" that people with the means to purchase a home or stay at TMV would also "have a special interest in exploring the natural surroundings and engage in national forest activities not available on TMV lands." The Draft EIR preparers used the Project-specific factors noted above in the Response to Comment 24-C3 in reaching this conclusion. Substantial evidence in the record can appropriately include conclusions based on an evaluation of identified factors. Commentor's contrary conclusion is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

The commentor opines that the County has ignored the concerns expressed by Forest Service District Ranger Thomas Kuekes in his letter submitted in response to the Notice of Preparation for the Project. The referenced letter may be found in Appendix A-1 to the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 G3.

Please refer to the Response to Comment 24-F3.

Response 24 H3.

Commentor states that the Draft EIR's evaluation of impacts to existing recreational and park facilities in the vicinity of the Project is insufficient under CEQA based on the reasons Commentor previously provided. The Draft EIR does include the required evaluation under CEQA. The Draft EIR preparers used the Project-specific factors noted above in the Responses to Comments 24-E3 and 24-F3 in completing the recreational resource analysis required by CEQA. Commentor's contrary conclusion is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

The comment accurately quotes from section 21082.2 of the California Public Resources Code. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 24 I3.

Please refer to the Response to Comment 24-H3.

Response 24 J3.

Commentor expresses its concern regarding the analysis of air quality and climate change impacts, and its belief that the analyses discourage public participation in the decision-making process. This comment has been noted and included in the record for consideration by the decision-maker.

Commentor also raises concerns about the Project's reliance on a Voluntary Emissions Reduction Agreement (VERA) to mitigate its impacts on the environment. As explained in the Tejon Mountain Village Draft EIR, the Project applicant has voluntarily committed to reducing all NOx, ROG and PM emissions within the San Joaquin Valley Air Basin (SJVAB). This commitment has been made in the form of a VERA entered into by the Project applicant and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The VERA contractually obligates the Project applicant to mitigate all emissions of NOx, ROG and PM within the SJVAB that result from Project construction and operations. Emissions may be reduced through a combination of onsite or offsite mitigation, or by payment of fees to the SJVAPCD to be used for emission-reducing activities. The Project applicant has already begun implementing the Tejon Mountain Village VERA; the SJVAPCD has approved an emissions reduction project that will electrify 10 agricultural engines. The SJVAPCD has verified that this project would result in a reduction of approximately 17.1 tons per year of NOx, 0.35 tons per year of PM10, and 1.1 tons per year of ROG.

The VERA is a voluntary commitment that goes beyond the requirements of the SJVAPCD's Rule 9510, Indirect Source Review (ISR). Rule 9510 is intended to fulfill the SJVAPCD's emission reductions commitments in the PM10 and ozone attainment plans. The 2008 PM2.5 Plan (adopted after Rule 9510 was implemented) also relies upon the ISR to achieve the emissions reductions necessary to attain the standard. The ISR requires developers to reduce 20% of construction-exhaust NOx, 45% of construction-exhaust PM10, 33% of operational NOx over 10 years, and 50% of operational PM10 over 10 years.

As an alternative to compliance with only the ISR, the SJVAPCD encourages developers to enter VERAs contractually obligates developers to reduce a development project's impact on air quality beyond that achieved by compliance with Rule 9510. See Draft EIR Appendix D-2, VERA Analysis, at 2 ("Whereas, Developer and District desire to enter into this Agreement in order to develop and implement air quality control measures which will fully mitigate the Project's Air Impact to the extent that the development of such Project will result in no net increase in criteria pollutant emissions over the criteria pollutant emissions which would otherwise exist without the development thereof."). Draft EIR, Appendix D-1, Indirect Source Review Program at 4-5 (a DMC "is an air quality mitigation measure by which a developer voluntary enters into a contractual agreement with the District to reduce a development project's impact on air quality beyond that achieved by compliance with District Rule 9510").

As explained above, the Project applicant has entered into a VERA with the SJVAPCD. Unlike the ISR, which requires mitigation of only a percentage of the NOx and PM emissions resulting from development of a project, the Tejon Mountain Village VERA commits the Project applicant to mitigating all NOx and PM emissions – as well as all ROG emissions – within the SJVAB. See By contract, the Project must mitigate emissions at least as much as it would otherwise be required to under the ISR. Thus, the VERA commits the Project to full mitigation of NOx, ROG and PM emissions within the SJVAB – a commitment that would not otherwise be required of the Project.
Response 24 K3.

Commentor suggests that the VERA is the Project's principal means of mitigating air quality impacts. As described in the Response to Comment 24-J3, above, the VERA will result in a complete reduction of the Project's NOx, ROG and PM impacts within the SJVAB. The District recognizes that VERAs will fully mitigate a development project's air quality impacts, and stated its belief that the VERA for the Project will fully mitigate its impacts. Comment Letter 20 (SJVAPCD). However, as explained in the Draft EIR, implementation of the VERA is within the jurisdiction of the SJVAPCD. Draft EIR at 4.3-136. Consistent with CEQA Guidelines Section 15091(a)(2), lead agencies may not rely upon mitigation that is within the responsibility or jurisdiction of another public agency.

In addition to the VERA, the Project includes a variety of additional mitigation measures, including Mitigation Measure 4.3-1, which commits the Project to reducing emissions of NOx and PM10 to below two tons per year, as verified by the County. Draft EIR at 4.3-105 to 4.3-106. Mitigation Measure 4.3-1 will ensure the Project's NOx and PM10 impacts within the SJVAB are less than significant. Although the VERA will ensure that the Project's ROG impacts within the SJVAB are also less than significant, as discussed above, because the VERA is within the jurisdiction of another agency, the Project's ROG impacts will nevertheless be significant and unavoidable. The Draft EIR, therefore, includes a variety of other mitigation measures covering both construction (see Draft EIR at 4.3-113 to 4.3-118) and operational activities. See Draft EIR at 4.3-128 to 4.3-136. The Draft EIR also demonstrates that other mitigation measures would not be feasible. Draft EIR at 4.3-189 to 4.3-208. Thus, consistent with CEQA Guidelines Section 15126.4, the Draft EIR includes all feasible mitigations and does not rely solely upon adoption of the VERA to mitigate the Project's impacts.

Response 24 L3.

Commentor states its concern that, because the VERA was entered into between the SJVAPCD and the Project applicant prior to the issuance of the Draft EIR, public participation in the process was not permitted.

Commentor correctly notes that CEQA emphasizes public participation in the decision-making process. Commentor is also correct that the Project applicant and the SJVAPCD entered into the VERA in December 2007, prior to the release of the Draft EIR. As explained in the Response to Comment 24-J3, above, the District has determined that DMCs fully mitigate a project's indirect air quality impacts and, therefore, encourages adoption of these agreements by project applicants. Accordingly, the Project applicant entered into the VERA with the SJVAPCD prior to preparation of the Draft EIR in order to commit to more emission reduction requirements than would otherwise be required by the District, or through the CEQA process. As explained in the Draft EIR and in the Response to Comment 24-K3, above, the VERA is an independent contractual obligation between the Project applicant and the SJVAPCD. The CEQA public review and comment process for the VERA relative to mitigation for the Project is the CEQA process for the Project, including the Draft EIR public review process.

However, it should be noted that the VERA was adopted at a duly-noticed public hearing of the SJVAPCD Governing Board, which provided an opportunity for public comment. SJVAPCD 2007b; SJVAPCD 2007a. Thus, the public was also afforded an opportunity to comment on the VERA at the SJVAPCD Board meeting.

The Draft EIR includes a thorough discussion of the VERA and the emission reduction projects considered to date. See, e.g., Draft EIR at 4.3-95 to 4.3-98. The County understands the process of emission reduction project approval to be an administrative one by which the Project applicant submits
proposals for emission reduction projects to the SJVAPCD staff for consideration. The public is free to submit suggestions to the SJVPACD for consideration during this process.

In addition, as explained in the Response to Comment 24-K3, above, the Draft EIR includes a variety of other mitigation measures. See Draft EIR at 4.3-105 to 4.3-106, 4.3-113 to 4.3-118, 4.3-128 to 4.3-136. Thus, the public has been afforded the opportunity to comment on the VERA, as well as all mitigation measures included in the Draft EIR.

Response 24 M3.

Commentor expresses concern that the VERA presents misleading information, specifically with regard to its ability to prevent ozone transport from the SJVAB to the Mojave Desert Air Basin (MDAB). According to the comment, because the VERA does not prevent the Project itself from emitting NOx and ROG, the Project will result in ozone transport impacts.

The Kern County Air Pollution Control District (KCAPCD) covers a large portion of the MDAB. The remaining portions of the MDAB are located within the boundaries of the SCAQMD, the Antelope Valley AQMD, and the Mojave Desert AQMD. Neither the SJVAPCD nor the KCAPCD require a project-analysis of ozone transport between air basins as part of the CEQA process, and ozone transport modeling is not standard CEQA analysis. The KCAPCD has indicated that the Draft EIR satisfies all of its concerns. See Comment Letter 23.

Nevertheless, the Draft EIR states that although ozone transport does occur from the SJVAB to the MDAB, the VERA requires full mitigation of ozone precursors (NOX and ROG) within the SJVAB (refer to page 4.3-5 of the Draft EIR). The Draft EIR states that as a result of implementing the VERA, there will be no additional transport of ozone from the SJVAB to the MDAB as a result of the Project.

To clarify this statement, compliance with the VERA would result in a reduction of ROG, NOX, and PM$_{10}$ (as well as PM$_{2.5}$, which represents a subset of PM10) net emissions within the SJVAB to quantities sufficient to fully mitigate the Project’s air quality impacts such that development of the Project could be considered to result in no net increase in criteria pollutant emissions over the criteria pollutant emissions that would otherwise exist without the development of the Project, all to be verified by the SJVAPCD. Thus, ozone transport into the Mojave will remain at the present level. While the Project will produce ROG and NOX emissions, the VERA will reduce ROG and NOX emissions such that there is no net change in ozone formation in the SJVAB and subsequent transport to other air basins.

The SJVAPCD has determined that the most effective approach to addressing indirect emissions from development projects that result in regional ozone problems is by entering VERAs. VERAs require emission reductions in excess of what would be required under the District's Indirect Source Review (ISR) Rule 9510, which the SJVAPCD has determined will achieve the necessary reductions to achieve and maintain attainment of the region's ozone and PM standards. Thus, although not all emission reduction projects will necessarily be implemented in the Project's vicinity, their impact will benefit the region as a whole. Reductions resulting from implementation of the VERA reflect the SJVAPCD's view that the Project's impacts will be fully mitigated. Please refer to Comment Letter 20.

To reflect the discussion above, Section 4.3, AIR QUALITY AND CLIMATE CHANGE, will be revised. Please refer to Section 7.3, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarifications that correspond to this Response.

Page 4.3-5
Although ozone transport does occur from the SJVAB to the MDAB, as discussed below, the Project includes a Voluntary Emission Reduction Agreement (VERA) that requires full mitigation of ozone precursors (nitrogen oxides [NOX] and reactive organic gas [ROG]) within the SJVAB. The VERA represents a Development Mitigation Contract (DMC) entered into between the Project applicant and the San Joaquin Valley Air Pollution Control District (SJVAPCD or District). Because the Project would not result in any increase in ozone transport above current levels to the MDAB, this impact is not analyzed in depth.

Pages 4.3-9

Table 4.3-3 describes the attainment status of the MDAB. Although a small portion of the project site (approximately 67 acres) is located in the MDAB, no development would occur on this portion of the project. Further, as noted above, due to the VERA that commits the project applicant to full mitigation of ozone precursors (NOX and ROG) emissions within the SJVAB, the project would not result in any additional ozone transport to the MDAB.

Response 24 N3.

Commentor raises concerns about the associated location of Emission Reduction Credits (ERCs) purchased as part of the VERA to mitigate emissions of ozone precursors. Commentor is concerned that ERCs fail to ensure that emission reductions will take place locally and indicates that the ERCs be limited to those generated in the Frazier Park/Lebec area and the relevant areas in the MDAB. Commentor further suggests that emission reductions implemented pursuant to the VERA should be required – by an enforceable obligation – to occur within a "reasonable radius" of the Project.

It should be noted that the VERA includes many commitments to design features to be incorporated into the Project. Draft EIR at 4.3-97. However, commentor is correct that the VERA provides that the required emission reductions can be achieved by implementing off-site projects. As ozone transport is a regional issue, emission reduction projects implemented pursuant to the VERA will offset any contribution the Project would have to regional ozone transport. In addition, it should be noted that emission reduction projects currently under consideration to satisfy the VERA obligations, such as the Biodiesel Research Facility and the Container Trip Reduction Facility, described in the Draft EIR, would be located on the Valley floor area near the Project.

The air district maintains a list of available ERCs for all criteria pollutants on its website. SJVAPCD 2009c. The list contains available ERCs throughout the Air District’s jurisdiction, not just within Kern County. The SJVAB extends from Stanislaus and San Joaquin Counties in the north to portions of Kern County in the South.

According to the SJVAPCD’s Guide for Assessing and Mitigating Air Quality Impacts:

State law recognized that air pollution does not respect political boundaries and therefore required the ARB to divide the state into separate air basins that each have similar geographical and meteorological conditions [Health & Safety Code §39606(a)]. Originally, air pollution was regulated separately by county APCDs. Although this is still the practice in most counties in California, many county agencies began to realize that air quality problems are best managed on a regional basis and began to combine their regulatory agencies into regional agencies. This was the case for the SJV, where until 1991, each county operated a local APCD.
SJVAPCD, 2002. Guide for Assessing and Mitigating Air Quality Impacts. The SJVAPCD oversees both emissions and reductions throughout its jurisdiction and ERCs are not required by SJVAPCD to be within any radial distance of a source for which ERCs are purchased. Because of the means by which air districts are delineated, benefits in one area of the basin are deemed by the SJVAPCD to translate into benefits for the entire managed area. As previously noted, the SJVAPCD has stated its belief that the VERA results in full mitigation of the Project's impacts.

Commentor's request that ERCs be limited to a particular radii around the Project, or be in other specified locations, is not required to mitigate Project impacts under CEQA. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 O3.

Commentor suggests that the County improperly deferred its obligation to analyze and adopt mitigation measures by listing mitigation measures that may be adopted in the future, without requiring their adoption at this time. The comment provides the examples of a transit connection and bicycle storage facilities. However, as explained in the Draft EIR, the Project will include a transit connection if desired by the transit operator (Mitigation Measure 4.3-7) and bicycle storage facilities (Mitigation Measure 4.3-11). Draft EIR at 4.3-135.

Commentor is, however, correct that Mitigation Measure 4.3-6, which requires the Project to ensure energy efficiency that is 25% beyond the requirements of 2008 Title 24 standards, provides a variety of options that may be selected from in order to achieve the required energy savings. Custom lot owners and builders will select from these options, and the ultimate required energy efficiency requirement will be verified by an energy audit. This type of mitigation approach is consistent with CEQA, which permits the formulation of details of mitigation measures at a future date as long as the mitigation measure includes specified performance standards and identifies a range of feasible measures that may be implemented to achieve the performance standard. See CEQA Guidelines § 15126.4(a)(1)(B); see also Sacramento Old City Ass'n v. City Council (1991) 229 Cal.App.3d 1011, 1027-30 (upholding mitigation menu of parking and traffic measures to be selected from in order to achieve specified performance standard); Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1276 (no improper deferral of mitigation when developer required to consult with agencies regarding appropriate mitigation and adopt specified avoidance measures prior to grading); National Park and Conservation Ass'n v. County of Riverside (1991) 71 Cal.App.4th 1341, 1366 (appropriate to defer determination of whether to install fences for desert tortoise mitigation until further study conducted on migration patterns). Thus, this mitigation approach complies with CEQA.

Response 24 P3.

Commentor questions why land use and embodied emissions were left out of the greenhouse gas (GHG) inventory included in the Draft EIR. The following response explains the approach taken in the Draft EIR with respect to both land use and embodied emissions. This response addresses many of the subsequent questions raised in commentor's letter, as well.

Land Use GHG Emissions

Commentor raises the concern that the Draft EIR did not take into account emissions of GHGs and other impacts from land-use change or develop mitigation to address any impacts. These concerns, and the speculative nature of land use emissions, are addressed below. This discussion also addresses protocols for measuring emissions from land-use changes.
Land Use Change Emissions Definitions and Context

Land use change emissions occur as a result of decomposition of removed vegetation on land impacted by the Project. The decomposition of removed vegetation would release CO\textsubscript{2} from stored carbon back into the atmosphere. Development of the Project site is likely to affect the existing carbon stock and CO\textsubscript{2} uptake of the land in the Project area. Removing existing vegetation can reduce the carbon sequestration capacity of the land, which would remove a sink from the regional GHG budget. Removing a GHG sink is conceptually similar to actions that increase GHG emissions.

Summary of Land Use Change Impacts in the Draft EIR

As stated in the Draft EIR (refer to pages 4.3-92 to 4.3-94 of the Draft EIR), estimating emissions from land-use change requires methodology that is far more uncertain and speculative than for other classes of emissions. In light of this difficulty, Appendix D9, CLIMATE CHANGE TECHNICAL REPORT (refer to Appendix D-9 pages 33 to 35 and Appendix B of Appendix D9 pages B-1 to B-9) presents a range of possible land-use change emissions associated with the proposed Project. For example, clearing of oak trees and/or clearing of chaparral communities, which are both found on the Tejon Mountain Village site and would potentially be cleared for construction. Tables 24 and 25 of Appendix B (refer to Appendix D-9) presents acres of disturbed land by vegetation type, foreseeable biomass removal, and changes in carbon sequestration based on land conversion.

Impacts from GHG emissions are significant and unavoidable (refer to Impact 4.3-8 on page 4.3-173 of the Draft EIR). Consequently, if GHG emissions from land use change had been included as a quantitative component of Project emissions subject to the impact analysis in the Draft EIR, any increase in Project GHG emissions from land-use change emissions would not result in a different significance conclusion. The following sections discuss the current state of practice in quantifying land use change, the methodology employed in this study, and the measures included in the Tejon Mountain Village Draft EIR related to land use change.

Current State of Practice: Quantification of GHG Emissions from Land Use Change

Although land use change is addressed in the AB 32 Scoping Plan, at this time, specific guidance on how to quantitatively and correctly address land use change in CEQA documents is not available. There are currently multiple protocols and guidance documents which recommend against or provide no guidance on including land-use change emissions in CEQA documents:

- California Climate Action Registry (CCAR): General Reporting Protocol provides no guidance for estimating these emissions. CCAR 2009A.

- California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change mentions that “a project could result in the loss of GHG sequestration opportunity due primarily to the vegetation removed for construction,” but states that life-cycle emissions from construction (including vegetation removal) is not accounted for in the modeling tools available and would be speculative on a CEQA analysis level. CAPCOA 2008.

- Governor’s Office of Planning and Research (OPR): Proposed CEQA Guidelines Amendments does not specifically recommend including land use emissions in project level GHG inventories. OPR 2009a.
• OPR: Transmittal of the Governor's Office of Planning and Research's Proposed S897 CEQA Guidelines Amendments to the Natural Resources Agency updates the CEQA Guidelines Amendments to avoid an implication that a "life-cycle" analysis is required. OPR 2009b.

• CCAR Local Government Operating Protocol (LGOP) does not recommend quantifying emissions associated with land clearing. CCAR 2009b at 112.

The California Air Resources Board (CARB) adopted the California Climate Action Registry (CCAR) Forest Protocol in October 2007 to support voluntary GHG reductions encouraged in The California Global Warming Solutions Act (AB 32). The forest protocol is an accounting methodology for voluntary GHG reduction projects, and is not meant as a tool for analyzing emissions or impacts under CEQA. The protocol is based on alternative forest management practices and is specifically not designed for GHG inventory analysis. The CCAR forest protocol is not recommended for use in GHG inventories by CARB, ICLEI or the U.S. Environmental Protection Agency (U.S. EPA), as listed above. Both CARB’s California and the U.S. EPA’s National GHG inventories quantify emissions from land clearing using Intergovernmental Panel on Climate Change (IPCC) methodology, was used in the Draft EIR analysis (see discussion below). CARB 2009b; EPA 2009a. Performing an emissions analysis using the forest protocol requires detailed biological studies on site with the oversight of a state registered professional forester certified by CCAR. Without this process, an analysis using the forest protocol would be incomplete and potentially inaccurate. Consequently, the IPCC methodology is more appropriate for estimating emissions associated with land use change and potential vegetation removal at the Project site.

It is difficult to determine the effect of removing vegetation on the natural progression of sequestration rates for different land types. The IPCC states that for Tier 1 methods, the average transfer rate into dead organic matter is equal to the average transfer rate out of dead organic matter. IPCC 2006. This occurs because every year oak trees die and begin to decompose, releasing their sequestered CO2 naturally. Because additional guidance for sequestration rates is limited for Tier 1 methods, changing rates of sequestration due to land-use change was not included in this analysis. The removal of all vegetation from these 9,437 acres is modeled in Appendix D9 as a one-time release of CO2 into the atmosphere with no change to the rate of sequestration in the future.

Due to the speculative nature of land-use change emission calculations, they are not included in the overall inventory. In addition, given the lack of formal protocols to calculate land-use emissions for CEQA analysis and current CEQA guidance treatment of land use emissions for CEQA analysis, land use change emissions were not analyzed as impacts.#### GHG Emissions from Land Use Change at Tejon Mountain Village: Methodology and Results

In the Tejon Mountain Village Draft EIR (Appendix D9, CLIMATE CHANGE TECHNICAL REPORT), land use GHG estimates are provided for illustrative purposes only and should not be considered a precise accounting of current or projected annual or cumulative losses of sequestration. While a reasonable estimate for vegetation to be cleared can be made and specific plans related to Oak tree replanting are available from Tejon Mountain Village, the identity and quantity of additional vegetation to be planted on the Tejon Mountain Village site is not known, and thus a calculation of the carbon sequestering potential of this land-cover is not possible without more specific data on Tejon Mountain Village landscaping activities. Furthermore, the scientific data on urban forestry’s affect on carbon sequestration rates is not yet conclusive. Due to the lack of regulatory guidance on the methodology for these calculations at the Project level, the lack of appropriate Project level data and the requisite assumptions required in the calculations, the CO2 emissions from land use change presented in the Tejon Mountain Village Draft EIR represent the uppermost bound of possible emissions.
Land use emissions were estimated using IPCC Tier 1 methodology. This methodology is widely accepted for inventorying GHG emissions associated with land-use change. Tier 1 represents simple default methods which enable a complete inventory of the Agriculture, Forestry and Other Land Use (AFOLU) Sector. IPCC 2006. IPCC Tier 1 guidance provides a wide range for biomass per acre and ratio of below- to aboveground biomass for each land type. To provide a worst case scenario, the analysis presents the highest potential CO₂ emissions associated with removal of all vegetation on impacted land, which is 1,060,226 metric tons of CO₂ (see page 4.3-94 of the Draft EIR). These emissions are based on the maximum biomass and carbon density of each vegetation type for all of North and South America. Consequently, an in depth Project-specific estimate of biomass and carbon density at the Project site would yield lower emissions than were estimated in this analysis.

Acres of impacted land for each vegetation type are presented in the Draft EIR and were estimated using the California Department of Fish and Game (DFG) List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database. See Section 4.4, BIOLOGICAL RESOURCES, Appendix D-9 pages 34 to 35, and Appendix B of Appendix D-9 pages B-5 to B-6. The emissions calculations were based on broad, global average vegetation zones that may differ substantially from the actual species distribution and density at the Tejon Mountain Village site. Furthermore, there is significant uncertainty in the calculation of the amount of carbon released from below ground stores when land is cleared. Both of these uncertainties also likely show strong dependence on environmental conditions at the site. For these reasons, estimates of CO₂ release due to land clearing and the subsequent sequestration when portions of that land are replanted is considered speculative without in depth biological studies on site. At present, the SJVAPCD, the South Coast Air Quality Management District (SCAQMD), ICLEI or the OPR do not recommend including this calculation in CEQA documents. In addition, although carbon sequestration in forests and agriculture is specifically mentioned in the AB 32 Scoping Plan, the Scoping Plan recognizes that there are currently inherent uncertainties associated with quantification and that additional research is needed. CARB 2008d.

It should be noted that loss of carbon stocks does not necessarily translate into an equivalent emission of carbon dioxide in the same manner as loss of annual carbon sequestration value. For example, when trees are cut and used in building products, the carbon in the wood fiber is still sequestered and is not released to the atmosphere. However, when carbon stock is burned or otherwise degrades, the carbon is released; in comparison to remaining in situ, this then represents a one-time release of the carbon dioxide formerly bound up as stock. To provide a worst-case scenario, it was assumed that all vegetation on all potentially disturbed land (9,437 acres) would be removed, and that the net carbon biomass of the removed vegetation would be converted to CO₂ upon removal (refer to pages 4.3-93 and Appendix B of Appendix D9 pageB-2 of the Draft EIR). It is unlikely that all vegetation will be removed from the impacted areas; in fact, much of the vegetation will be preserved and retained.

**Land Use Related Mitigation Measures and Project Design Features**

Numerous measures have been included in the Project related to land use change and vegetation cover on site. Development of the proposed Project would ultimately result in a net increase in trees, because builders and custom lot owners shall be required to manage and replace oak trees consistent with the Oak Tree Management Plan, which shall be adopted with the Tejon Mountain Village Specific Plan and Community Plan (refer to Mitigation Measure 4.3-21 pages 4.3-181 to 4.3-182 of the Draft EIR). Removed oaks would be replaced on a 1:1 basis and landscaping activities would provide additional trees and vegetation in residential, commercial, and community areas (refer to page 4.3-94 of the Draft EIR).

Of the proposed 26,417-acre Project area, 21,335 acres, or about 80%, would remain undeveloped since this land is restricted to grazing, environmental education, adaptive open space management, and low-
impact recreation. The undeveloped land would be governed by conservation easements and/or deed restrictions and would be managed by an organization tasked with preserving the environmental qualities of the open space lands. Preserving these acres would not result in additional GHG mitigation compared to the no-Project scenario, but the Draft EIR does not claim additional GHG reductions from this requirement.

The Project applicant has also committed to the preservation of the natural environment and maintaining historic uses of the area through adoption and implementation of a sustainable land plan. It is unlikely that all vegetation would be removed from the impacted areas; in fact, much of the vegetation would be preserved and retained (refer to pages 4.3-93 to 4.3-94 of the Draft EIR).

Additional Mitigation has been included in the Project to the extent feasible to address potential impacts from vegetation removal (refer to Mitigation Measures 4.3-2 and 4.3-6 pages 4.3-115, 4.3-130 and 4.3-132 of the Draft EIR).

None of the mitigation measures or Project design features discussed above are treated as mitigation for land use emissions in the Draft EIR. However, the result of these measures will be a substantial reduction in GHG emissions resulting from land-use changes.

**Embodied Emissions**

Commentor expresses concern that the Draft EIR did not take into account impacts from embodied emissions of GHGs associated with paving or address mitigation to reduce any potential GHG impacts. This concern, and an explanation of the speculative nature of these emissions is addressed below.

**Embodied Emissions Definitions and Context**

Embodied emissions are those emissions that result from a product’s production, use, and end of life. As stated in the Draft EIR (refer to pages 4.3-94 to 4.3-95 of the Draft EIR), estimating embodied emissions requires methodology that is far more uncertain and speculative than for other classes of emissions. Impacts from GHG emissions are significant and unavoidable (refer to Impact 4.3-8 on page 4.3-173 of the Draft EIR). Consequently, any increase in Project GHG emissions from embodied emissions would not result in a different significance conclusion.

**Current State of Practice: Quantification of Embodied GHG Emissions**

There are currently multiple protocols and guidance documents which recommend against including embodied emissions in CEQA documents:

- **CCAR: General Reporting Protocol** provides no guidance for estimating these emissions, and lists the following sources of emissions as “optional:” production and transport of raw materials, product use and disposal, and outsourced activities and contracting. CCARa 2009.


- **CAPCOA: CEQA and Climate Change** states that, “The full life-cycle of GHG emissions from construction activities is not accounted for in the modeling tools available, and the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level.” CAPCOA 2008.
OPR: Proposed CEQA Guidelines Amendments does not specifically recommend including embodied emissions in project level GHG inventories. OPR 2009a.

OPR: Transmittal of the Governor's Office of Planning and Research's Proposed S897 CEQA Guidelines Amendments to the Natural Resources Agency updates the CEQA Guidelines Amendments to avoid an implication that a "life-cycle" analysis is required. OPR 2009b.

CCAR: Local Government Operating Protocol (LGOP) includes product-life cycle emissions in its ‘Scope 3’ category for GHG inventories. The LGOP states that it is often difficult to acquire the appropriate upstream and downstream data needed for a robust embodied emissions calculation, but that science and data availability are improving, facilitating this type of calculation in the future. CCAR at 112.

California Natural Resources Agency: Initial Statement of Reasons for Regulatory Action states there is no current regulatory definition of “lifecycle” emissions, and that an analysis of lifecycle emissions may not be consistent with CEQA. These emissions might be beyond the direct control of the Project applicant and 1) may not be cause by the Project (since the manufacture of materials may have likely occurred in the absence of the Project), and 2) these emissions may already be accounted for in other regulations or environmental review. California Natural Resources Agency 2009a.

Embodied Emissions at Tejon Mountain Village: Methodology, Results, and Mitigation

For informational purposes only, Appendix D9, CLIMATE CHANGE TECHNICAL REPORT (refer to Appendix D9 pages 35 to 36 and Appendix B of Appendix D9 pages B-7 to B-9 of the Draft EIR), presents a range of possible embodied emissions associated with select components of the Tejon Mountain Village Project.

Embodied emissions from paving and cement depend largely on the source of the cement and the manufacturing process as well as the distance traveled from production facility to the construction site, and studies have produced a wide range of life-cycle GHG emission factors for paving and cement. Using four different studies, King County Department of Development and Environmental Services developed a conservative emission factor associated with the embodied emissions of pavement over a 40-year lifetime in terms of CO₂E emissions per thousand square feet of pavement. King County Department of Development and Environmental Services 2007. Emissions factors provided in the King County report were used to estimate lifecycle emissions associated with paving at the Project site.

Due to the speculative nature of embodied emissions calculations, they are not included in the overall inventory. In addition, given the uncertainty, lack of formal protocols to calculate life cycle emissions, and current CEQA guidance recommending against including embodied emissions for CEQA analysis, embodied emissions from paving and construction materials were not analyzed as impacts. Despite these conclusions, the Project has incorporated numerous measures to reduce paving at the Project site. These measures include but are not limited to: 1) making use of existing vehicular entrances to the site; 2) reduced street standard, and 3) use of sustainable pavement materials (porous asphalt, paving w/ recycled content, rubber modified asphalt, Portland cement concrete with 25% fly ash). These measures reduce total pavement and embodied emissions associated with paving (refer to Mitigation Measure 4.3-5 and 4.3-6 pages 4.3-118 and 4.3-128 of the Draft EIR). These measures are discussed in detail in the Tejon Mountain Village Sustainability Plan (refer to Appendix G of Appendix D-9 pages 2-3, 3-8, 3-9, and A-6 of the Draft EIR).
Response 24 Q3.

Commentor states that the County has a duty to make a good-faith effort to understand emissions and associated impacts and apply mitigation if necessary. As explained in the Response to Comment 24-P3, above, the Draft EIR presented an analysis of estimated land use and embodied emissions. Thus, decision makers have been presented with information regarding the nature of these emissions.

However, the methodologies available for performing these analyses are much less certain than the methodologies available for estimating other sources of GHG emissions. Therefore, these emission estimates were presented for informational purposes only and were not included in the GHG inventory for the Project.

CEQA requires agencies to forecast environmental circumstances to a reasonable degree, but discourages speculation. Guidelines §§ 15144 ("While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can."); 15145 ("If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."); see also State Water Resources Control Bd. Cases (2006) 136 Cal.App.4th 674, 797 ("The key word in section 15144 of the Guidelines is 'reasonably'.") The Draft EIR appropriately determined that analysis of land use and embodied emissions were too speculative and did not include them in the GHG emissions inventory. See Draft EIR at 4.3-92 to 4.3-95.

Response 24 R3.

Commentor requests that the County estimate the number of trees cut down by the Project, and how much natural land would be lost, as part of the Project. Please refer to the Response to Comment 24-P3, for a discussion of the approach taken in the Draft EIR to estimate land use emissions. The Draft EIR presents a range of emissions that would result from land use change.

Response 24 S3.

Commentor expresses concern that the operational emissions analysis in the Draft EIR focuses on emissions from employee commutes, deliveries, and maintenance activities, and does not take into account commuting residents. The comment states that the Draft EIR ignores the impact of full-time occupancy of dwelling units on the Project site and assumes trip consolidation. The comment states that most residents will likely commute and travel between the Project and nearby cities.

The Draft EIR actually assumes that the all residential units will operate on a full-time occupancy basis (refer to pages 4.3-76 of the Draft EIR), including commute trips. This assumption was used for analysis of all operational emissions associated with the Project. Employee commutes, deliveries, and maintenance activities were also included in the analysis. Although the Project is planned as a resort for vacation use by residents, and thus the Draft EIR states that it is anticipated that many of the Project dwelling units would not be occupied on a full-time basis, the analysis of air quality, traffic and other impacts in the Draft EIR conservatively assumed full-time occupancy and use of these homes. The description of resort vacation utilization was not an assumption used in any analysis; it was instead intended to illustrate how the operational analysis is conservative with respect to estimated Project air emissions.

The Draft EIR operational emissions analysis accounts for residents commuting from the Project site to nearby cities such as Bakersfield, Santa Clarita and Los Angeles. The Tejon Mountain Village Traffic Study (Appendix M-1) delineates the long range study area extending from Route 58 in the north (Kern County) to Calgrove in the south (Los Angeles County) (refer to Appendix M-1 page ES-4 of the Draft
EIR). The Traffic study also models average trip rates for each land use based on full-time occupancy and trip lengths based on the regional study area. The operational emissions analysis assumes the average trip length for all Project land use types at full buildout in 2030 is approximately 32 miles (refer to Appendix M1 page A-18 and Appendix D4 Table 3 on pages 3 to 4 of the Draft EIR). This assumption produces an average daily vehicle miles traveled (VMT) of over one million miles during Project operation (refer to page 4.3-85, Appendix M-1 page A-18, Appendix D-4 page 5, and Appendix D-9 page 23 of the Draft EIR).

Response 24 T3.

Commentor suggests that, as a result of the current economic crisis, people will be unlikely to buy second homes and, therefore, the proposed Project will function as a primary-residence community. According to commentor, the economic downturn undercuts the vehicle emissions estimates in the Draft EIR. While it is possible that economic circumstances will affect the purchasing of homes by potential future residents of the Project, the economy is not expected to remain in its current state by the time the Project is completed. Moreover, as discussed in the Response to Comment 24-S3 above, the Draft EIR's motor vehicle emissions estimates were based on an assumption of year-round residency and account for commutes by future full-time residents.

Response 24 U3.

Commentor expresses concern that the Draft EIR relies on power plants to mitigate indirect emissions generated by the future energy demand of the Project. The comment indicates that the power plants did not take into account the future energy demand of the Project when considering emissions mitigation. Future energy demand generated by the Project will result in both indirect emissions of criteria pollutants and GHGs. To provide full disclosure of the environmental consequences of implementing the Project, the County has analyzed these emissions and presented them in the Draft EIR (refer to pages 4.3-120 to 121 and Table 4.3-19 of the Draft EIR). For this analysis, it is assumed that the emission factors would remain constant through 2030, even though utility emission factors will likely decrease in the future in response to recent regulations promulgated to reduce air pollution emissions associated with energy production, including for example California's Renewable Portfolio Standard, which requires electric corporations to increase procurement from eligible renewable energy resources by at least 1% of their retail sales annually, until they reach 20% by 2010. California Public Utilities Commission 2009. In addition, the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC) have committed to "evaluate and develop implementation paths for achieving renewable resource goals beyond 2010, including 33 percent renewables by 2020, in light of cost-benefit and risk analysis, for all load serving entities." CEC, CPUC, CPA 2005 at 8.

By assuming no improvement in emission factors for energy production, the calculations presented in Table 4.3-19 are conservative and likely result in an overestimation of indirect criteria pollutant emissions associated with power production from the Project’s electricity use in 2030.

Although the Draft EIR includes estimates of the criteria pollutant emissions that may result from electricity use generated by the Project for informational purposes, neither the SJVAPCD nor CARB require that development projects such as Tejon Mountain Village account for indirect criteria pollutant emissions associated with electricity generation for power required by the Project in their CEQA analyses. Criteria pollutant emissions at the power supplying facility may occur hundreds of miles away – perhaps even out-of-state – and whether these emissions would occur within the SJVAB is unknown.
Thus, including mitigation requirements within the SJVAB to account for the Project's energy use would be speculative.

Moreover, the Project alone would not increase electricity demand beyond what is currently or will be permitted, and these emissions have already been accounted for and appropriately mitigated in the regulatory process. The majority of the power demand for the Project is anticipated to be obtained from power plants in California. Seventy-three percent of all electricity supplied to California is generated in-state. CED 2009a. Power plants that are permitted in California must meet stringent environmental requirements. For example, proposed power plants located in California are required to comply with California Energy Commission (CEC) licensing and siting regulations based on their net generating capacity. CEC 2000. For example, to meet this requirement for air quality, power plants would need to calculate the maximum emissions generated at full capacity. Proposed power plants must identify any serious environmental impacts and assess the feasibility of mitigating such impacts. If significant adverse impacts are expected, the CEC requires the proposed facility to adopt feasible mitigation measures to substantially reduce these impacts (Title 20, CCR §1721 through 1770). Regarding these requirements, the CEC states:

It is the goal of the California Energy Staff to protect public health and safety by avoiding or minimizing energy-related facility air quality impacts to communities, ensuring all remaining potentially significant air quality impacts are fully mitigated, and ensuring all applicable federal, state, and local air quality standards are met.

To accomplish these objectives, the staff works closely in a coordinated effort with the local air district, the Air Resources Board, and the US Environmental Protection Agency. The staff assesses the potential emissions from the proposed power plant (including cooling towers) and related equipment, the potential emission control technology applicable to each piece of equipment, the estimated transport and fate of project emissions, and the proposed emission offset package. This information is compared with the current status of ambient air quality, the current status of ambient air quality standards, the air quality management plan that applies to the area, the typical meteorological conditions, and the availability of offsets in the local area and surrounding areas. The assessment examines construction, initial commissioning, operation and closure emissions during all operating profiles (startup and base load). CEC 2000.

After meeting CEC licensing and siting requirements, proposed power plants must then meet certain emission control requirements to obtain permits to operate, as required by the local air district. In the SJVAPCD, for example, power plants are subject to Federal New Source Review (NSR) regulations, since the SJVAPCD is nonattainment for several criteria pollutants. NRS regulations require “no net increase in emissions above specified thresholds from new and modified Stationary Sources of all nonattainment pollutants and their precursors.” CEC 2000.

In contrast to the analysis of criteria pollutant emissions that will be indirectly generated by the Project from electricity consumption, the Draft EIR includes the greenhouse gases (GHG) that will be generated from electricity consumption in the GHG emissions inventory, and properly mitigates for them. See Draft EIR at 4.3-176, 4.3-183. Unlike criteria pollutants, which have local and regional air quality impacts, climate change impacts from GHGs are global in nature and do not depend upon their source. In addition, the regulatory process for siting power plants does not currently account for GHG emissions. The Draft EIR, therefore, appropriately includes the GHG emissions and excludes the criteria pollutant emissions, that will result from electricity consumption at the Project.
Response 24 V3.

Commentor expresses concern about the adequacy of the Draft EIR's mitigation of climate change impacts. Commentor further suggests that the County relied upon the fact that no state or local agency has adopted thresholds of significance for climate change impacts as an excuse for avoiding setting its own threshold of significance. Commentor believes substantial information is available regarding local and global harm caused by the emissions of GHGs.

Please refer to Global Responses 7.5.2, Climate Change explaining the climate change impact analysis and mitigation approach in the Draft EIR. As explained in Global Response 7.5.2, Climate Change, the County did adopt a significance threshold. Consistent with CEQA and all proposed guidance on climate change analysis under CEQA, the County adopted a threshold of significance of consistency with AB 32's emission reduction mandates. The Draft EIR thoroughly analyzed the Project's potential GHG emissions. See Global Response 7.5.2, Climate Change; Draft EIR at 4.3-80 to 4.3-95, 4.3-173 to 4.3-189. The Draft EIR also recognizes the threats posed by cumulative emissions of GHGs. Draft EIR at 4.3-43 to 4.3-50; see also Appendix D-9, pp. 4-5.

As explained in Global Response 7.5.2, Climate Change, the Draft EIR includes a thorough analysis of mitigation measures to reduce the Project's GHG emissions, and adopts its fair share of mitigation that will ensure consistency with AB 32's emission reduction mandates. See also Draft EIR at 4.3-181 to 4.3-189.

Response 24 W3.

Commentor suggests that the GHG mitigation commitment represents only suggestions for emission reductions. Commentor further suggests the mitigation approach violates CEQA's mandate to ensure mitigation measures are enforceable, and improperly defers mitigation.

Please refer to Global Response 7.5.2, Climate Change, regarding the Draft EIR's GHG mitigation approach. Mitigation Measure 4.3-18 commits the Project to reducing its GHG emissions by 29% below business as usual (BAU). These reductions will be verified by the County by a focused GHG report that will be conducted prior to the issuance of final occupancy permits. Draft EIR at 4.3-181. In addition, as discussed in the Response to Comment 24-N3, above, Mitigation Measure 4.3-6 requires the Project to achieve energy efficiency savings of at least 25% below Title 24. Draft EIR at 4.3-128. Both of these commitments permit builders and custom lot owners to select the appropriate mix of emission reduction measures to ensure these commitments. As discussed in the Response to Comment 20-B, these mitigation commitments are fully enforceable and comply with CEQA. In addition, as discussed in the Response to Comment 24-N3 and Global Response 7.5.2, Climate Change, consistent with CEQA's requirements, the mitigation measures include specific performance standards and do not improperly defer mitigation.

Response 24 X3.

Commentor expresses concern that the Draft EIR does not analyze or mitigate black carbon (BC). Commentor also expresses concern that the County claims that black carbon emissions are emitted primarily in developing countries as a reason for not including an analysis of black carbon emissions.

The following discussion provides a review of the definition of BC, the composition of BC in the San Joaquin Valley (SJV), how BC was addressed in the Draft EIR, and why the Draft EIR did not provide an impact analysis regarding BC emissions from Project activities.
Black Carbon Definitions and Context

BC is a component of PM. BC is sometimes referred to as elemental carbon (EC) in scientific literature and commonly referred to as soot in non-technical articles. BC can be emitted through natural processes (wildfires, etc) or can be anthropogenic in origin (fossil fuel combustion, biomass burning).

The impact that BC has on climate change is complex; scientific consensus on the impact that BC emissions have on global temperature has not been reached. Whereas GHG are pollutants that are emitted in gaseous form, BC is emitted in condensed (particulate) form. The effect that BC emissions have on climate change is typically expressed in units of radiative forcing (RF) (Watts per square meter, W m⁻²). Expressing GHG and BC impacts in terms of radiative forcing allows one to directly compare the climate change importance of the pollutants that have different scattering/adsorption physical properties. The IPCC estimates that the radiative forcing associated with BC fossil fuel emissions is positive and equivalent to +0.20 ± 0.15 W m⁻² (+0.05 to 0.35 W m⁻²). According to IPCC methodology, global BC emissions are likely to have 3% to 21% the climate forcing of CO₂.

As with the primary identified GHGs, BC potentially contributes to global climate change. According to CAPCOA, “GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective.” CAPCOA 2008. CEQA and Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. In addition, although there are studies which focus on specific regional impacts of climate change, the IPCC states that there are numerous difficulties in attributing some climate change phenomena to anthropogenic influences on smaller scales due to natural climate variability (which is relatively larger on scales smaller than continental and over time scales of less than 50 years, making it harder to distinguish changes expected due to external forcings), uncertainties in radiative forcing, as well as uncertainties in feedbacks and observations. IPCC 2007c. Technical Summary. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Consequently, the impacts of any specific source of GHGs cannot be linked to any regional effects of global warming. However, since BC is a short-lived pollutant, it is likely that it will be more regional in influence than GHG pollutants that mix globally.

According to multiple studies, developing nations in the tropics and East Asia are the major source regions for BC emissions. Ramanathan 2008 at 221-227. East and South Asia are responsible for 53% of global BC emissions; North America contributes about 10% to the global BC burden Reddy 2007 (with the U.S. responsible for only 6.1% fossil-fuel soot). Jacobson 2007. In addition, there is evidence that more than 75% of BC over the west coast during the spring months originates from Asia. Hadely 2007. The majority of BC emissions occur as a result of open biomass burning (40%) and residential biofuel and coal combustion (24%). The remaining BC emissions result from transport, industrial sources, and power generation. Bond 2007. BC emissions in Asia can be reduced significantly by replacing biofuel cookers with BC-free cookers, which have the potential to reduce BC emissions from biofuel cooking in South Asia by 70-80% and in East Asia by 20-40%. Ramanathan 2008 at 221-227. Due to vastly improved combustion technologies and PM controls, BC emissions in the U.S. have decreased since 1925 despite growth in coal use during the same time period. Bond 2007. This demonstrates that even for sources of BC that the U.S. and developing countries share, the lack of PM controls in developing nations has a significant effect on their global BC burden.

Currently, there are no California/federal laws or regulations related to the climate change impacts of BC. AB32, the AB32 Scoping Plan, SB97, OPR’s June 19, 2008 technical advisory, and related documents do not suggest that the reduction of BC emissions are related to statewide goals to address climate change. Accordingly, extensive BC calculations were not conducted for this analysis.
Black Carbon Concentrations in the San Joaquin Valley

CARB conducted the California Regional Particulate Air Quality Study (CRPAQS) to characterize particulate matter in the San Joaquin Valley. SJVAPCD 2009b. Results of this study have been widely modeled and published (Modeling particulate matter in the San Joaquin Valley with a source-oriented externally mixed three-dimensional photochemical grid model. Held 2004 at 3689-3711. During the extensively studied January 1996 period, San Joaquin Valley PM2.5 and PM10 concentrations were 40.2 and 54.2 ug/m^3, respectively. BC concentrations during this period were 1.8 and 2.3 ug/m^3, respectively. During this study period, it was determined that EC constituted approximately 5% of the mass of San Joaquin Valley PM. Thus, BC represents a small component of the region's PM.

Mitigation of Black Carbon is Expected When Mitigating PM

In the atmosphere, BC is part of the complex mixture of condensed phase material referred to as particulate matter. Control technology that is designed to reduce particulate matter concentrations will also reduce BC. Therefore, mitigation measures that reduce PM emissions from fossil fuel combustion will reduce BC emissions accordingly. Some PM mitigation will reduce PM and EC emissions by the same percentage (e.g. VMT reductions), whereas some PM mitigation may not reduce PM and EC by the same percentage (e.g., reducing fugitive dust will have little impact on EC emissions; however, tailpipe diesel traps will reduce both PM and EC significantly).

According to the Worldwatch Institute’s State of the World: Into a Warming World 2009 report, diesel particulate filters can eliminate over 90% of BC particulate emissions from diesel vehicles, while other flow-through or partial particulate filter technologies can eliminate 40 to 90% of BC emissions from diesel vehicles. Worldwatch 2009. These controls are very common on diesel vehicles in the U.S. and are required on equipment operating at the Project site (see below).

Discussion of Black Carbon in the Draft EIR

The Draft EIR explained that BC was not analyzed because: 1) BC is generally associated with emissions-producing activities in developing countries; 2) the Project’s particulate matter (PM) emissions controls will prevent BC emissions from causing meaningful climate change impacts; 3) uncertainties regarding the global warming potential (GWP) of BC; and 4) BC is not treated as a GHG in existing climate change legislation, including AB 32, and therefore analysis of BC for GHG impacts under CEQA is inappropriate.

BC emissions were not explicitly calculated in the Draft EIR since there are no air district, State of California, or Federal laws or regulations that indicate that a BC analysis should be conducted as part of an environmental review and/or CEQA analysis. The Draft EIR appropriately relied upon existing policy and guidance in analyzing GHG emissions.

Although BC is a short lived pollutant, there is an active debate on the contribution that BC makes to climate change. As discussed previously, the IPCC estimates that BC emissions are likely to represent 3 to 21% of total global radiative forcing. In addition, BC represents only a small percentage of PM in the San Joaquin Valley. Given the uncertainty in the climate change potential of BC, the Draft EIR addresses climate change based on AB32 and science consistent with IPCC findings.

It has been suggested that scientific studies conducted in Africa and Asia may be applicable to California with regard to snowpack. The extent to which this is true has not been confirmed in the scientific literature. Applying results from other continents discussed in scientific journal articles would be speculative, which is discouraged by CEQA. See, e.g., CEQA Guidelines § 15145. In addition, the
deposition of BC on snow is primarily a concern when uncontrolled fossil fuel combustion is located near a body of ice or permafrost, a scenario that is not applicable to the Project.

**Mitigation of Black Carbon in the Draft EIR**

The Draft EIR presents numerous PM reduction measures that will also reduce BC emissions. The Project must mitigate total Project construction and operations PM_{10} emissions below 2 tons per year within the San Joaquin Valley Air Basin (refer to Mitigation Measure 4.3-1 on page 4.3-105 of the Draft EIR). In addition, a variety of PM mitigation measures will reduce PM exhaust emissions, such as requiring construction equipment engine exhaust emission controls (such as diesel particulate filters on most equipment and U.S. EPA Tier 2 and 3 standards on all equipment) (refer to Mitigation Measure 4.3-4 on page 4.3-117 of the Draft EIR). For example, it is expected that the requirement for diesel particulate filters (DPF) specified in mitigation measure 4.3-4 will have a BC removal efficiency between 85 and 99.9%. Also note that the prohibition of wood hearths in all structures (Mitigation Measure 4.3-9) is expected to reduce hearth BC emissions by almost 100% given that wood combustion will be replaced with cleaner burning natural gas. In addition to the reductions associated with explicit mitigation measures, BC emissions are also expected to be reduced due to VERA programs such as the engine electrification program and through Project design features such as the requirement to have High-Efficiency Particulate Arresting (HEPA) filters on all restaurant charbroilers.

In addition, wood-burning fireplaces shall be prohibited in all structures on the Project site (reducing total operational emissions of PM_{10} by 27% and PM_{2.5} by 61%) and HEPA filters are required on all under-fired charbroilers in restaurants (reducing total operational emissions of PM_{10} by 1% and PM_{2.5} by 2%) (refer to Mitigation Measure 4.3-6 on page 4.3-129 and Appendix D-4 Table 30 on pages 17 to 18 of the Draft EIR). In addition, the Project applicant has committed to reducing all PM emissions within the SJVAB by way of a Voluntary Emission Reduction Agreement entered into with the SJVAPCD.

According to one study, BC emissions in industrialized countries are dominated by road transport: diesel engines, off-road vehicles, and a few superemitters. Bond 2005 at 5921-5926. It is therefore likely that the main sources of BC at the Project site will be diesel construction equipment, which will be mitigated substantially (see above), and diesel on-road mobile sources, which represent only 1.5% of total VMT at full Project buildout. In addition, newer on-road diesel engines often include BC-reducing particle traps, and it is likely that future diesel particulate controls will help reduce operational BC emissions from on-road diesel engines substantially.

The County recognizes that mitigation measures that are implemented to reduce total PM mass may not uniformly reduce all chemical constituents of PM uniformly. For instance, a PM trap used to capture heavy duty diesel tailpipe emissions may reduce BC more efficiently than the semi-volatile organic components of the exhaust. There is no regulatory guidance indicating what, if any, BC emissions should be mitigated at a State or Project level. The Draft EIR states that PM mitigation will likely result in BC emission reductions, which is consistent with the current understanding of BC role in climate change.

**Response 24 Y3.**

Commentor suggests that the U.S. EPA's adoption of National Ambient Air Quality Standards (NAAQS) for PM_{10} and PM_{2.5}, and the region's attainment status for these NAAQS, support the need to analyze black carbon as a GHG. Although commentor notes the attainment status of various surrounding air basins, the relevant air classifications are for the Kern County portion of the SJVAB. The SJVAB is in attainment for the PM_{10} NAAQS, and in nonattainment for the PM_{2.5} NAAQS, although the SJVAPCD
has determined that, based on 2004-2006 data, the SJVAB has attained the 1997 24-hour PM2.5 standard (the designations for the 2006 standards will be finalized in December 2009). See Draft EIR at 4.3-9.

Notwithstanding the region's attainment status, commentor is correct that PM10 and PM2.5 are recognized air pollutants that can impact human health and the environment. Accordingly, the Draft EIR describes the health effects associated with PM, and includes an extensive analysis of the Project's PM10 and PM2.5 impacts during both construction and operations. Draft EIR at 4.3-29 to 4.3-30, 4.3-106 to 4.3-119, 4.3-119 to 4.3-138. The Draft EIR compares the Project's estimated construction and operational PM impacts against the SJVAPCD and SCAQMD thresholds of significance, as well as both the NAAQS and California Ambient Air Quality Standards (CAAQS). See id. The Draft EIR includes a number of mitigation measures intended to reduce the Project's PM impacts, including an extensive dust control plan and Mitigation Measure 4.3-1, which ensures that the Project will not emit more than 2 tons per year of PM10; as discussed in the Responses to Comments 24-J3 through 24-O3, the Project also includes a VERA, which will ensure its PM emissions within the SJVAB are entirely offset.

This approach is consistent with the SJVAPCD's recommended approach for analyzing PM impacts and represents the District's assessment of the necessary levels of emissions to attain the relevant air quality standards. The fact that black carbon is a component of PM does not change the appropriate methodology for analyzing PM impacts. As discussed in Response to Comment 24-X3, above, analyzing black carbon as a GHG is not appropriate for the proposed Project.

Response 24 Z3.

Commentor suggests that the Draft EIR should demonstrate that its PM mitigation will control BC emissions.

For a complete discussion regarding PM controls in relation to black carbon, please see the Response to Comment 24-X3, above. The County has determined that an additional mitigation measure was included in Appendix D-4, AIR QUALITY TECHNICAL REPORT, but was not mentioned as a mitigation measure in Section 4.3, AIR QUALITY AND CLIMATE CHANGE. Mitigation Measure 4.3-6 has been modified to address this requirement:

Mitigation Measure 4.3-6: The project applicant shall incorporate measures into the design and operation of the proposed project to ensure energy efficiency that is 25% beyond what is required by 2008 Title 24 Standards on a time dependant valuation basis, which shall be verified by an energy audit.

a. Energy Efficiency. Custom lot owners and builders shall be subject to energy efficiency requirements of 25% above 2008 Title 24 Standards on a time dependant valuation basis, which increase energy efficiency and reduce emissions.

i. An Energy Incentive Program for builders and custom lot owners shall require at least 25% efficiency beyond what is currently required in 2008 Title 24 Standards on a time dependant valuation basis. To meet this efficiency requirement, builders and custom lot owners may select from the following but are not limited to the list of possible items below. An energy audit shall be conducted in order to verify that this requirement is met. Consideration shall be given for computer modeling tools and simulation programs that shall help identify the best combination of energy-efficient strategies, including passive solar heating, cooling, and daylighting of interior spaces, and to maximize winter sun exposure.
a. Energy Star appliances, including clothes washers, dishwashers, refrigerators, air conditioning units, and water heaters, may be installed. These appliances use 10–15% less energy and water than standard models (U.S. Environmental Protection Agency 2008a).

b. Energy Star qualified lighting products may be installed for indoor and outdoor lighting in residential and commercial buildings. Energy Star qualified lighting can use up to 75% less energy than standard lighting (U.S. Environmental Protection Agency 2008b).

ii. Wood-burning fireplaces shall be prohibited in all structures (residential and commercial). High-Efficiency Particulate Arresting (HEPA) filters are required on all under-fired charbroilers in all restaurants.

iii. Builders and custom lot owners in Tejon Mountain Village shall be required to site, orient, and design buildings to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure. The guidelines below are provided as a menu approach to selecting the most practical design features for the building or home to achieve the required level of energy efficiency.

a. Buildings and homes designed and oriented such that one axis of each structure is at least 1.5 times longer than the other and such that the longer axis is within 15 degrees of the geographical east/west axis generally achieve optimal conditions for natural heating and cooling. Walls enclosing spaces such as garages or porches are not included in this measurement. (This design option is most practical for custom home projects.)

b. Homes oriented so that the south side of the home is within 30 degrees of due south facilitate maximum solar gain.

c. By clearing the southern exposure of buildings of large obstacles, such as tall buildings or tall trees that block sunlight, interior spaces will achieve maximum solar gain. Limited building exposure to the north will minimize the effect of winter cold on interior spaces.

d. South-facing windows that receive full sun can be shaded with some combination of landscaping, overhangs, shutters, and solar window screens to help optimize southerly solar heat gain in winter and shading in summer.

e. By placing habitable rooms on the south side of buildings and by placing rooms with minimal heating and lighting requirements (e.g., closets, corridors, laundry, garage, utility rooms) along the north side of buildings and homes, natural heating and cooling can be optimized.

f. The placement of windows on buildings or homes directly impacts the natural heating and cooling functions of the
structure. To optimize southern solar heat gain, major window openings can be located on the southeast, south, and southwest sides of the building or home. To minimize cold winter exposure, windows on the north, east, and west facing walls can be kept small in size.

iv. Heating and cooling optimization shall be required through building design to minimize the need for mechanical cooling and heating. The following measures shall be provided to guide building design and material selection

a. Top-quality windows provide added insulation for buildings and homes, keeping interior spaces cool in the summer and warm in the winter. Building glazing can be optimized by evaluating the R-value, visible light transmittance, and solar heat gain coefficient of the glass.

b. Thermal mass can be incorporated in floors and walls to serve as a heat sink for direct passive solar heating strategies and to minimize indoor temperature fluctuations. Radiant floor heating produced by a solar hot water system can also assist in maintaining indoor temperatures and comfort.

c. Exterior sun controls and shading techniques such as trees, awnings, or trellises, as opposed to interior controls such as drapes and shutters, will block light and heat before they penetrate the building or home, thereby reducing energy demand from mechanical cooling and heating.

d. By strategically locating shade trees, trellises, awnings, exterior blinds, or shutters, the use of glazing can be minimized and shaded.

e. Skylights can be used for direct heat gain. Skylights can be used for natural lighting and indirect (i.e., solar tube) to eliminate overheating and glare.

f. Building openings can be arranged to catch cooling summertime breezes. Outlet openings can be sized and located so as to accelerate the flow of breezes through habitable rooms.

g. Vegetation, water ponds, or fountains placed outside inlet openings will pre-cool air flow into buildings. Asphalt driveways and other “heat sinks” (area or object that absorbs and dissipates heat) placed immediately outside inlet openings will trap heat and prevent cool air from flowing into buildings and homes.

h. Reflective foil and airspace underneath the roof sheeting can be used to reduce heat penetration.
i. Architectural devices such as cupolas, belvederes, operable skylights, clerestory windows, and thermal chimneys at roof peaks can be incorporated to extract heat from interior spaces.

j. Light-colored, nonreflective finishes can be used and balanced with glare control for outdoor sidewalks, driveways, patios, and parking areas to keep surfaces cool and reduce the potential for “heat sinks.”

v. Natural lighting shall be optimized to provide daytime interior lighting and minimize the need for artificial lighting. The following measures are provided to guide natural lighting optimization:

a. Clerestory windows, roof monitors, and skylights can be installed for overhead natural lighting; however, consideration should be given to potential overheating from skylights.

b. Reflective ceilings and light-colored interior surfaces will increase interior lighting.

c. Shading devices can be incorporated to minimize direct-beam sunlight penetration into workspaces. Task lighting can supplement natural lighting in workplaces.

d. Lighting and control systems, such as automated natural light-actuated controls that adjust depending on the amount of natural light entering the interior space, can be arranged for maximum flexibility and adjustability depending on the layout of the building or home and the natural exposure of the structure to natural daylighting.

e. Maximum daylighting can be achieved by zoning lighting so that lights near windows can be off at times when lighting further from the window is necessary.

b. **Solar Energy.** Solar energy technology shall be utilized in the Tejon Mountain Village area to maximize power obtained from renewable energy sources. Active solar energy systems such as photovoltaic installations and solar hot water systems provide access to renewable energy.

i. All community amenity buildings shall be equipped with active solar energy systems.

ii. All pools and spas shall be equipped with solar hot water systems.

iii. Active solar dryers shall be installed for the wastewater plant.

iv. All homebuyers shall be provided the option to include a photovoltaic array system as a home design feature.

v. All single-family residences shall include capacity for an electric-vehicle recharger, or the equivalent, in an appropriate location of the garage.
c. **Water Conservation.** Water efficiency measures shall be implemented in the Tejon Mountain Village area to minimize water demand and maximize use of recycled water. Each building or home shall be assigned a Maximum Applied Water Allowance budget that must not be exceeded.

i. A Water Wise Program shall be implemented within Tejon Mountain Village that includes all feasible mitigation measures that will reduce water and energy use. Builders, developers, and custom lot owners shall be required to implement water and energy use reduction measures such as interior fixtures, tankless water heaters, and low-flow plumbing to assist in complying with the Maximum Applied Water Allowance for each land use. Installation of high-efficiency plumbing fixtures that meet the definition of high-efficiency toilets and high-efficiency clothes washers should be incorporated when feasible.

a. Homeowners shall be required to select plants from the Tejon Mountain Village Landscape Plant List so that the estimated applied water use recommended for the project site does not exceed the Maximum Applied Water Allowance budget that is assigned to each lot or home. Similar species may be approved by the Homeowner’s Association Design Review Committee.

b. The following measures regarding plant selection and placement are required and shall be enforced through review of landscape plans:

i. To the extent feasible, native species and natural vegetation should be protected and preserved.

ii. Stockpiling of top soil for use in restoration of native and natural vegetation is required.

iv. Preference should be given to selecting water-efficient plants.

v. Selection of plants from local and regional landscape program plant lists (e.g., California Friendly Landscapes, Lush & Efficient) should be considered.

vi. Plants with similar water needs should be grouped into distinct hydrozones (i.e., very low, low, medium, or high water needs).

c. Plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Invasive species of plants, as listed in the Prohibitive List contained in the Tejon Mountain Village Master Design Guidelines, shall not be planted within the project area. The following additional guidelines are highly recommended:

i. The Sunset Western Climate Zone System should be used, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate.

ii. Horticultural attributes of plants should be considered (e.g., mature plant size, invasive surface roots) to minimize damage to property or infrastructure such as buildings, sidewalks, power lines, etc.
iii. Solar orientation of plants placement should be considered to maximize summer shade and winter solar gain.

d. The following standards are required for all turf areas to reduce irrigation runoff and overspray and to improve irrigation efficiency:

i. Installation of long, narrow, or irregularly shaped turf areas less than 8 feet wide in all directions is not permitted unless such areas are irrigated with subsurface irrigation or other low-volume irrigation such as surface drip.

ii. Turf areas irrigated with overhead spray and rotary heads should be set back a minimum of 24 inches from curbs, driveways, sidewalks, or any other areas that may direct runoff and overspray onto the pavement. The landscape buffer created by the setback may be covered with mulch, permeable materials, or vegetated with plant material on drip irrigation or other low-volume irrigation.

iii. Preference should be given to water-efficient turf species that require minimal use of pesticides and fertilizers and are resistant to disease.

iv. A minimum 3-inch layer of mulch should be applied on all exposed soil surfaces of planting areas except in turf areas and creeping or rooting groundcovers. In mulched planting areas, use of drip irrigation systems is required.

e. The following soil management practices shall be considered and evaluated for appropriate implementation in landscape design to minimize water runoff and maintain plant health:

i. Soil texture (percent clay, silt, and sand);

ii. Approximate soil infiltration rate;

iii. pH levels;

iv. Total soluble salts; and

v. Other physical or chemical properties of soil relevant to improving water efficiency and maintaining plant health, such as conductivity and levels of nitrogen, phosphorus, potassium, calcium, magnesium, sodium, and sulfur.

f. The water used for water features on the Tejon Mountain Village project site shall be managed according to the following requirements:

i. Recirculating water shall be used for decorative water features.

ii. When available, recycled water shall be used as the source for water features on golf courses, hotels, and commercial centers.
iii. Surface area of water features shall be included in the Maximum Applied Water Allowance calculation. The evaporation rate for all water features shall be equivalent to the evapo-transpiration rate of a high plant water use.

iv. Pool and spa covers are required.

g. Irrigation shall be designed to maximize water efficiency and meet Maximum Applied Water Allowance requirements. The following irrigation efficiencies shall be required:

i. For optimum water efficiency, the irrigation system shall be designed to match plant type and not cause the home or lot to exceed the Maximum Applied Water Allowance.

ii. The irrigation system shall be designed to prevent runoff, low-head drainage, overspray, or other similar conditions that cause irrigation water to flow onto adjacent properties, nonirrigated areas, hardscapes, roadways, or structures.

iii. Soil types and infiltration rates shall be considered in irrigation system design.

iv. Irrigation system design shall conform to the hydrozones of the landscape design plan.

v. Trees shall be placed on separate valves from shrubs, groundcovers, and turf areas, where feasible.

vi. Head-to-head coverage is required when designing the sprinkler system to ensure uniform water application. Consideration shall be given to the prevailing wind direction and speed to make necessary adjustments. The coefficient of uniformity should be as close to 1.0 as possible.

vii. Long, narrow, or irregular-shaped landscape areas and median islands or strips less than 8 feet wide shall be irrigated with subsurface irrigation or other low-volume irrigation, such as surface drip.

viii. “Smart” controllers such as weather-based irrigation controllers or other self-adjusting irrigation controllers are required for all irrigation systems and must be able to accommodate all aspects of the landscape and irrigation design plans.

ix. Placement of valves as close as possible to the point of connection of the water supply is required to minimize water loss caused by an emergency situation (e.g., water main break or repair).

x. Sensors that suspend irrigation during unfavorable weather conditions (i.e., rain, freeze, wind) are required on all irrigation systems.
d. **Educational Outreach.** An education and outreach program to the existing and future Tejon Mountain Village community shall be provided to encourage the sustainable design features offered by Tejon Mountain Village. The educational outreach program includes the following components:

i. Environmental education program to promote advantages of water conservation, energy efficiency, limited site disturbance, open space preservation, and renewable energy technologies.

ii. A temporary “Eco-House” to be built on site as a prototypical residential green structure. The model home will function as a resource center to showcase green technologies and serve as a centralized information repository for sustainable development technologies, resource materials, and best practices for sustainability. Eventually, the model eco-house will be sold as part of the model home sales for Tejon Mountain Village.

iii. Coordination with the Tejon Ranch Conservancy and other similar organizations such as the Mountain Lion Foundation, The Nature Conservancy, Endangered Habitats League, The Sierra Club, the Audubon Society, and the Natural Resources Defense Council to prepare, periodically review, and produce materials for the educational program.

iv. Conservation education and citizen awareness program for the open space areas, informing residents and guests of the natural resource values and vulnerabilities within the Tejon Mountain Village open space areas.

Response 24 A4.

Commentor states that compliance with other laws does not excuse compliance with CEQA and that CEQA requires analysis and mitigation of all significant impacts regardless of whether they are separately regulated. While it is true that CEQA compliance is not qualified by other laws, other laws often serve as an indication of significance of an impact. See, e.g., *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74 (reliance on NAAQS appropriate basis for determining impacts less than significant). Moreover, as discussed in Response to Comment 24-X3, above, analyzing black carbon is not appropriate for the proposed Project.

Response 24 B4.

Commentor expresses concern that the Draft EIR uses outdated (1998) GHG global warming potential, lifetime, and abundance information. The comment states there have been numerous recent studies regarding GHG abundance, and that the County does not justify its use of outdated data.

Global average mixing ratios, lifetimes and global warming potentials of the primary GHGs are presented in the Draft EIR (refer to Table 4.3-11 on page 4.3-46 of the Draft EIR). The IPCC Fourth Assessment Report (2007) and the U.S. EPA Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2006 report (2008) both present the same information regarding lifetimes and global warming potentials as those presented in Table 4.3-11. Both studies cite the 1996 IPCC report Climate Change 1995: The Science of Climate Change as their source. The global warming potentials used in this analysis are currently supported by CARB, the U.S. EPA, the IPCC, CCAR, and many other regulatory and scientific organizations.
Response 24 C4.

Commentor suggests that 1998 data was presented to suggest that the proposed Project's contribution to the cumulative impact of climate change is lower than it actually is. As explained in the Response to Comment 24-B4, above, the data used in the Draft EIR reflects commonly-used scientific information and the most recent abundance information available does not substantially alter the information included. Please refer to Global Response 7.5.2, Climate Change, regarding the analytical approach taken in the Draft EIR to climate change impacts. The Draft EIR fully recognizes the problem of climate change, and includes a thorough assessment of the Project's cumulative contribution to climate change impacts. Despite the Project's commitment to reducing its climate change impacts to 29% below BAU, the Draft EIR nevertheless concludes the Project will have a significant and unavoidable impact on climate change. Thus, the Draft EIR does not minimize the Project's cumulative contribution to climate change impacts.


Commentor questions the mitigation approach taken in the Draft EIR and suggest that the County is obligated to adopt mitigation sufficient to reduce the Project's impacts to a less than significant level. As a threshold matter, CEQA does not require all significant impacts to be mitigated to a less than significant level. CEQA expressly permits an agency to approve a project with significant impacts if the changes or alterations required to reduce the project's impacts are within the responsibility of and jurisdiction of another public agency, or if mitigation measures that would be required to reduce the project's impact to a less than significant level are infeasible. CEQA § 21081(a)(2)-(3); CEQA Guidelines § 15091(a)(2)-(3). When a lead agency approves a project that will result in significant and unavoidable impacts, it must make a statement of overriding considerations that describes the "specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental impacts" of the project. CEQA §21081(b); CEQA Guidelines § 15093.

As described in Global Response 7.5.2, Climate Change, the Draft EIR is consistent with CEQA. The Draft EIR includes a thorough analysis of the Project's potential climate change impacts and compares these impacts to a threshold of significance of consistency with AB 32's emission reduction requirements. The Project satisfies this standard by achieving a 29% below BAU emissions reduction. In addition, given the incorporation of various Project design features and other mitigation commitments, the Project may achieve greater GHG emission reductions. Because the Project achieves its fair share of mitigation and is consistent with AB 32, section 15064(h)(3) of the CEQA Guidelines permit a determination that the Project's impacts are less than significant and no further mitigation is required. This approach is also consistent with draft guidance released by various agencies. However, notwithstanding the Project's consistency with AB 32, achieving all of AB 32's necessary GHG emission reductions will require action by third party agencies. Thus, consistent with CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2), the Draft EIR concludes the Project's impacts are significant and unavoidable.

Commentor further suggests there is no connection between the Draft EIR's significance conclusion and its mitigation commitment. As discussed above and in Global Response 7.5.2, Climate Change, although the Project is consistent with AB 32's emission reduction goals and satisfies its fair share mitigation requirements, the Draft EIR nevertheless determines the Project's impacts are significant and unavoidable due to the need for third party action. Thus, the Draft EIR's mitigation approach and significance conclusions are connected and consistent.

Similarly, Commentor suggests that the County simply chose not to require further mitigation, in violation of CEQA. Commentor further states that a reduction of emissions of 29% below BAU is unlikely to correspond to the most mitigation the County can require. Please refer to Global Responses
7.5.2, Climate Change regarding the significance and mitigation approach taken in the Draft EIR. As described above, and in these Global Responses, due to its mitigation commitments, the Project is consistent with the emission reduction requirements of AB 32. No further mitigation is required by CEQA.

Commentor suggests the County should fully mitigate all Project emissions. As discussed in Global Response 7.5.2, Climate Change, a zero emission threshold is neither appropriate nor required by CEQA.

**Response 24 E4.**

Commentor states that the County asks other agencies to mitigate the cumulative climate change impacts, and the lead agency may not rely on other agencies to mitigate the Project's impacts. Commentor is correct that the Draft EIR explains that action by other agencies will be required in order to achieve AB 32's overall emission reduction goals. Accordingly, as described in the Response to Comment 24-D4 and Global Response 7.5.2, Climate Change, above, the Draft EIR concludes the Project's impacts are significant and unavoidable notwithstanding its incorporation of mitigation measures to reduce the Project's cumulative contribution to climate change by at least 29% below BAU. This approach is consistent with CEQA's prohibition on relying upon actions taken by third parties in determining a project's impacts are less than significant.

**Response 24 F4.**

Commentor notes that climate change is a cumulative impact resulting from operations emitting GHGs, and that the Draft EIR inappropriately used a zero-emissions baseline against which to measure its impacts. Commentor suggests the baseline should include information regarding the existing trace emissions of GHGs in the atmosphere in the Project area.

Commentor is correct that climate change is appropriately considered in a cumulative context. The Draft EIR fully acknowledges the cumulative impacts of climate change, and does not seek to minimize the problem. See Draft EIR at 4.3-50. The Draft EIR determines the Project's impacts are significant and unavoidable on a cumulative level. Please refer to Global Response 7.5.2, Climate Change, regarding the Draft EIR's analysis of the Project's potential climate change impacts at a cumulative level. Although the significance of the Project's contribution to climate change cannot be determined on a Project-specific basis, its actual emissions can be. Thus, the Draft EIR adopts a zero-emissions baseline in order to measure all of the Project's potential GHG emissions. This approach is consistent with the analytical approach commonly employed for air quality impacts under CEQA, which measure a project's contribution to criteria pollutant emissions.

In addition, determining the background concentration of GHGs in the Project vicinity is not feasible. Background concentrations of GHGs vary on a seasonal and annual basis and fluctuate based on global sources and sinks of GHGs. Specific GHG constituents of any local atmospheric sample cannot be traced to a specific source due to the long atmospheric lifetime, the abundance of biogenic sources and sinks of several GHGs, and the globally well-mixed nature of GHGs.

Consistent with current practice and existing guidance, the Draft EIR assesses GHG emissions through the inventory process. For example, to meet obligations to the United Nations Framework Convention on Climate Change, the U.S. EPA performed a national GHG inventory. EPA 2009. The California Energy Commission (CEC) and CARB are responsible for maintaining a GHG inventory for the State of California and numerous counties in California have conducted GHG inventories. CARB 2009d; Sacramento County Department of Environmental Review and Assessment 2009, Greenhouse Gas
Emissions Inventory for Sacramento County. National and State inventories are discussed in more detail beginning on p.4.3-48 of the Draft EIR.

The inventory process involves estimating, rather than measuring, the emissions from all known sources within a geographic or jurisdictional boundary. This process uses emission factors, hours of operation and other project-specific activity data to estimate emissions. GHG inventorying is a comprehensive process that has been standardized by numerous entities. IPCC, EPA, CARB, and ICLEI have published specific guidance on how to perform a GHG inventory. A complete GHG inventory for construction and operation emissions was performed for the Project, according to the guidance of the SJVAPCD. SJVAPCD 2009a. A detailed description of the inventory methodology followed can be found in Appendix D9, CLIMATE CHANGE TECHNICAL REPORT.

Emission factors and protocols used in this analysis are widely accepted for calculating GHG emissions from the anticipated emissions sources (refer to pages 4.3-81 to 4.3-95 and Appendix D9 pages 19 to 35 of the Draft EIR). The SJVAPCD recommends using the emissions factors from the following protocols for estimating GHG emissions: California Climate Action Registry (CCAR) General Reporting Protocol, CARB California statewide inventory, EPA national inventory, and the IPCC Guidelines for National Greenhouse Gas Inventories. SJVAPCD 2009a. For sources not covered in these protocols, the analysis uses emission factors from additional references, studies, and protocols, such as the CEC, ICLEI-Local Governments for Sustainability, World Bank, United Nations, Federal Aviation Administration, as well as from a wide selection of individual studies.

**Response 24 G4.**

Commentor expresses concern that the County did not perform on-site testing/measurement of GHGs. Commentor also indicates that GHG emissions have local as well as global impact. Please refer to Response to Comment 24-F4, above, regarding testing/measurement of background GHGs.

GHG emissions in isolation do not present a health risk to the local population in the same way that TACs, DPM, or ground level ozone is harmful to local populations. GHG emissions are not compared against hourly exposure levels or ambient concentration thresholds for compliance with local air district regulations. For many criteria pollutants such as SOx and VOCs, a direct correlation can often be made between local emissions and local air quality. Immediate improvements in local air quality can be realized when certain types of pollution sources are controlled. Due to the long atmospheric lifetime, the abundance of biogenic sources and sinks of several GHGs, and the globally well-mixed nature of GHGs, the connection between local GHG emissions and local controls is not clear.

However, the County recognizes that emissions of GHGs contribute to the global phenomenon of climate change, which has global and regional impacts. Regions will experience unique impacts due to shifts in climate. For example, as a result of climate change, climate models predict that California will experience sea level rise and melting snowpack as well as increased fire frequency over the coming decades. CEC 2009b. Other regions of the United States will not be vulnerable to these specific threats.

Numerous federal and state reports have focused on specific regional impacts of climate change, as presented below.

- CEC: The Future is Now: an update on climate change science impacts and response options for California. CEC 2009b. In this report released in May of 2009 the CEC examines climate change impacts region by region for the state.
- EPA: Assessment of the Impacts of Global Change on Regional U.S. Air Quality: A Synthesis of Climate Change Impacts on Ground-Level Ozone (An Interim Report of the U.S. EPA Global Change Research Program), EPA 2009b. This is a recent study examining effects of climate change on local air quality. The EPA has published various regionally specific reports as well, EPA 2009c.

- United State Global Change Research Program: Global Climate Change Impacts in the U.S. United States Global Climate Change Research Program 2009. This report addresses the unique impacts to be experienced in each of 9 regions: Alaska, Islands, Northwest, Southwest, Great Plains, Midwest, Southeast, Northeast and Coast.

These reports have been added to the administrative record and will be available for review by the Planning Commission and Board of Supervisors.

Response 24 H4.

The comment quotes from Policy 25 of Section 1.10.3 of the Kern County General Plan, with minor changes to punctuation. In addition, the comment accurately quotes from page 4.5-20 of the Draft EIR, which makes reference to the Kern County Environmental Checklist and Section 15064.5 of the CEQA Guidelines. These comments are not directed at the adequacy or content of the Draft EIR, but are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 I4.

The comment accurately quotes from page 4.5-24 of the Draft EIR. The commentor expresses concern that residents and hotel guests will not stay on the demarcated pathways, and that reliance on "passive preservation' of sacred sites is inadequate to ensure their protection." The Project was designed to avoid the vast majority of cultural resource sites known to occur on the site. The majority of sites will be preserved in open space areas that will have controlled access. Access controls will include designated trails; limitation on usage (such as no off road vehicles); and private patrol and on-site Conservation Managers. The term "passive" includes proactive open space management by dedicated land managers to insure preservation of cultural and biological resources contained within the 80% of the Project preserved as open space. These measures and others for "passive" preservation are detailed in the Project's Framework Resource Management Plan (FRMP), which is included as Appendix C of the Specific Plan. Section 3.3 of the FRMP addresses Cultural Resources and prescribes management principles and directives to monitor and adaptively manage protection of preserved cultural resources.

Response 24 J4.

Commentor quotes excerpts from the Tejon Mountain Village Specific Plan regarding Project avoidance of cultural resources, refers to the assertion in Comment Letter 47 that such measures were not taken to protect cultural resources at Castac Lake, and states this violated CEQA and the General Plan.

Castac Lake is not part of the Project, and therefore past work that occurred at Castac Lake does not require analysis in the Draft EIR. See Global Response 7.5.1, Castac Lake. However, as discussed in Response to Comment 47-I (the referenced assertion regarding work at Castac Lake), the Draft EIR analysis did not determine that the Kashtiq site is currently under water as referenced in the Comments J-4 or 47-I. Rather, Mitigation Measure 4.5-17 indicates that the site of Kashtiq was previously capped and preserved in place.
Response 24 K4.

Commentor states that “The DEIR’s traffic assessment relies on dubious assumptions and flawed methodologies that incompletely and unrealistically represent the Project’s effect on nearby traffic patterns.” This is an introductory paragraph to several subsequent comments on this general subject. Each of these is responded to individually below, but as an overall response it should be emphasized that Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC, along with corresponding Revised TIS (Appendix M1) and related Responses and technical studies, discuss in detail the assumptions and criteria used to assess traffic impacts. Subject areas covered in that discussion include growth forecasts, freeway analysis methodology and criteria, and local street system methodology and criteria. The methodology and criteria are consistent with those used by Caltrans and the County for such studies, and conform to the requirements of CEQA for impact analyses.

Response 24 L4.

Commentor states that the traffic analysis is based on 51 percent of the “Project’s outgoing traffic will head south of I-5, yet the County offers no authority for this assumption. More likely, because the Project is an affluent housing resort, a larger portion of its occupants will hail from Los Angeles rather than Bakersfield. Therefore, the Draft EIR obfuscates the Project’s effect on south-bound traffic.” As can be seen from Table 4.15-7 (Page 4.15-17) of the Draft EIR, the distribution of average daily external trips on I-5, excluding the local trips, as used in the analysis is as follows:

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<table>
<thead>
<tr>
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<tr>
<td>I-5 North</td>
<td>11,417 (31%)</td>
</tr>
<tr>
<td>I-5 South</td>
<td>25,304 (69%)</td>
</tr>
<tr>
<td>I-5 TOTAL</td>
<td>36,721</td>
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</tbody>
</table>

This reflects the anticipated travel characteristics of the Project in relation to the surrounding region, and is consistent with the County's methodology for evaluating traffic trip distribution in the Project area and is also the distribution used in the Draft EIR and traffic study used for the nearby proposed Frazier Park Estates project. This 69%/31% trip distribution is considered reasonable and appropriate by the County, as the lead agency for the Project. The Project does assign more than two-thirds of the Project trips to the South, consistent with the Commentor's opinion that a "larger portion" of Project occupants will come from the South. Additionally, the Draft EIR assumes that each home will be occupied on a full-time basis by residents commuting to daily jobs, which results in a very conservative assumption for vacation residential units where commute trips are likely to be far lower than residences that are occupied on a full-time basis.

Response 24 M4.

Commentor elaborates on the statement presented in Comment 24-L4. (See Response to Comment 24-L4 for the first part of the comment). The second part of the comment cites the future level of service (LOS) on I-5 and states that “minor increases in traffic flow will have significant effects on overall traffic patterns.” Commentor states that this will be particularly problematic for southbound commuters, and that traffic impacts will be substantially more severe than stated in the Draft EIR.

The regional analysis in Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC, shows traffic conditions on I-5 and on local roadways, with and without Project traffic. Both peak hour and daily traffic information is presented. Where a significance threshold is exceeded, mitigation measures...
are proposed. The results show the degree to which project traffic adds to the total traffic volume on I-5, and how it affects the LOS. The Draft EIR thus does analyze and disclose the effect of Project increases in traffic flow in relation to overall traffic patterns.

Response 24 N4.

Commentor states that “The DEIR improperly ignores the Cumulative Impacts of the Project’s Traffic Contribution” by "only analyzing sections of traffic in isolation". Commentor further notes that at LOS F traffic conditions are saturated, and that there should be a lower threshold of significance in this context. Commentor states that traffic backups at Calgrove, at LOS E, detrimentally affect earlier portions of the highway. Commentor concludes that the absence of this type of analysis results in an unacceptable understatement of the traffic.

The long-range (2030) analysis in the Draft EIR is presented as a “cumulative analysis.” It is based on estimated growth in the areas contributing to future traffic on I-5, and analyzes all parts of the regional system which have a significant amount of Project traffic. While the analysis is based on performance criteria for individual freeway sections, by encompassing complete segments of freeway north and south of the Project, it does consider the freeway as a system. The LOS “E” criteria was established by Caltrans for portions of the regional study area and is consistent with the thresholds used for urban areas. Descriptions of LOS such as in the Highway Capacity Manual recognize that at LOS “F” and in some cases at LOS “E” queue back-up can occur and detrimentally affect upstream portions of the highway. The analysis does account for this by describing LOS E as including this queue back-up condition, which is part of the defined category of "LOS E" as described on Page 2-18 of the Revised TIS. Freeway segments identified in the Draft EIR and Traffic Report as having an LOS E accordingly do include this queue back-up; this and other LOS-related features at peak hour are included for each freeway segment. Hence, neither the traffic nor the impacts are understated.

Response 24 O4.

This comment states that the “DEIR fails to account for the Affects of Construction on Traffic Flow.” Commentor states that the Draft EIR fails to analyze the impacts of the traffic mitigation measures, specifically construction-period improvements on local intersections and ramps, and the impacts of construction-period improvements on I-5 and route 58. Construction-related traffic is considered in Chapter 5.0, Page 5-17 (and Table 5-7) of the Revised TIS, Appendix M1. The amount of construction traffic is minimal in comparison to traffic generated by even early phases of the Project, and thereby would have adequate capacity at each stage of the proposed improvements.

The Project is required to complete several local traffic improvements as discussed in greater detail in Response to Comment 5-E: Construction-period mitigation requirements are included in Mitigation Measure 4.15-7. Commentor also requests an assessment of construction-period traffic flow impacts based on improvements to Interstate-5 and Highway 58. Highway 58 is no longer proposed as mitigation for the Project, and former Mitigation Measure 4.15-10 regarding Project contributions to the funding for Highway 58 improvements has been deleted. A further explanation for the deletion of Highway 58 as a Mitigation Measure is provided in Response to Comment 8a-H. Interstate 5 is a major North-South highway, and as noted in the Draft EIR will experience the demands of further growth and congestion under both the with Project and without Project scenarios. See Section 4.15, TRANSPORTATION AND TRAFFIC, and Revised TIS. The improvements to I-5 are the three interchange improvement projects discussed in Response to Comment 5-E, and the mitigation for construction-period impacts associated with those improvements are likewise noted above and in Response to Comment 8a-H.
Response 24 P4.

Commentor states the proposed monitoring requirements cannot be used to accurately determine whether mitigation measures should be implemented. The comment interprets the monitoring requirements as being triggered only after the issuance of occupancy of the Project's 931st unit and the 1401st unit. As can be seen from Mitigation Measure 4.15-9 (page 4.15-41 of the Draft EIR), the County may require a further traffic study prior to approving any further tract map, parcel map or Commercial Development Plan, for any portion of the Project that includes a public road. Additionally, expanded monitoring has been required as set forth in revised Mitigation Measure 4.15-12, which requires monitoring up to twice each year upon request by Caltrans and the City. Finally, specific thresholds triggering mitigation implementation requirements have also been established based on applicable LOS criteria, as described in revised Mitigation Measure 4.15-12. This mitigation structure provides the County (and the public) with multiple opportunities to assess and respond to implement mitigation measures based on actual Project impacts, to assure that mitigation measures are triggered as appropriate based applicable thresholds specified in Table 7.1 of the Revised TIS and Section 7.2 of the EIR.

Response 24 Q4.

Commentor states that no traffic studies (other than the 931st and 1401st units) are required for later stages of the Project's development. As noted above in Response to Comment 24-P4, Mitigation Measure 4.15-9 and Mitigation Measure 4.15-2 does provide for expanded traffic monitoring and studies.

Response 24 R4.

Commentor states that certificates of occupancy do not relate to the number of people who will inhabit new units, and hence cannot be used to reliably measure the actual occupancy levels that correspond to traffic flow. Commentor also states that a reliable traffic study must be based on actual occupancy rather than certificates of occupancy. Traffic models utilized in the Draft EIR and Traffic Study were based on projected occupancy levels for different types of residential and non-residential uses according to accepted methodologies established in the Institute of Transportation Engineers (ITTE) Trip Generation Manual (8th Edition). (Revised TIS, Chapter 2.0, p. 2-1), and as applied to the Project summarized in Table 2.2 of the Revised TIS, p. 2-3.) These trip generation levels were based on projected Project occupancy levels for each type of Project use, and not on certificates of occupancy as noted by Commentor. Certificates of occupancy are no longer used as triggers for traffic improvements, and have been deleted in the revised Mitigation Measures relating to the trigger for requiring traffic improvements as set forth in Section 7.2. Additionally, new building permits may not be issued until the timing of necessary improvements to the interchanges has been approved as described in revised Mitigation Measure 4.15-1.

Response 24 S4.

This comment restates the concern that traffic studies tied to certificates of occupancy will not meaningfully guarantee implementation of CEQA mitigation measures, and that mitigation measure deferment violates CEQA. Traffic mitigation measure implementation thresholds have been established based on actual monitored conditions as set forth in Table 7.1 of the Revised TIS and in Section 7.2. Certificates of occupancy are no longer used as triggers for traffic improvements, and have been deleted in the revised Mitigation Measures relating to the trigger for requiring traffic improvements as set forth in Section 7.2, and further addressed in Response 24-R4 above.
Response 24 T4.

This is one of a series of comments (including 24-U4, 24-V4 and 24-W4) that state that the DEIR's traffic mitigation measures are inadequate to meet the demands of the increased congestion along I-5 which are projected to occur from regional growth. Commentor notes that the Draft EIR appropriately discloses that improvements are required to deal with this anticipated growth and congestion impact to I-5, but states that the mitigation measures included in the Draft EIR are inadequate. CEQA is subject to the requirements of the United States Constitution and cannot be used to exact fees or conditions in excess the "nexus" to the Project impact. See CEQA Guidelines § 15041(a) and 15126(a)(4). Additionally, the Project's proposed traffic improvements as discussed in Section 7.2 have been expanded, and the requirement to implement Mitigation Measures prior to issuance of building permits has been clarified, based on further consideration of comments. The Project proposes to fund three I-5 interchange improvement projects (with the timing based on actual monitored traffic conditions) and fund its fair share (and in the absence of new projects may be required to fully fund) an additional local roadway improvement as described in Section 7.2. As set forth in further detail in Response to Comment 8a-H, it is not possible to predict when or what types of improvements will be made to Interstate-5, as this is within the authority and jurisdiction of another agency – Caltrans – to implement. The Draft EIR preparers have concluded that these improvements are unlikely to be made in time to mitigate congestion-related impacts from anticipated regional growth (which would occur under both the with project and without project scenarios), and accordingly cumulative traffic impacts are considered significant and unavoidable in Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC.

Response 24 U4.

Please see above for Response to Comment 24-T4. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 V4.

Please see above for Response to Comment 24-T4. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 W4.

Please see above for Response to Comment 24-T4. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 X4.

Commentor states that the Project will have significant unavoidable impacts on traffic patterns, and recommends roadway improvements as mitigation measures. Commentor requests that the Draft EIR should require a feasibility study of a mass transit system to shuttle commuters to transportation hubs in Bakersfield and Los Angeles County. Please refer to Response to Comments 24-V4, above, regarding shuttle and mass transit issues.

Commentor notes that the DEIR only briefly mentions mass transportation, and that because of significant unavoidable cumulative impacts relating to traffic, states that a more detailed investigation of a mass transit system that shuttles Project residents to and from principal transportation hubs in Los Angeles and Bakersfield during rush hours should be included. Project Mitigation Measures include transit requirements, including for example Mitigation Measures 4.15-3, Mitigation Measure 4.15-5, Mitigation Measure 4.3-12, Mitigation Measure 4.13-13, and Mitigation Measure 4.3-7. Mitigation Measure 4.15-4,
for example, requires implementation of a Transportation Demand Management (TDM), including for example a vanpool program and regional shuttle coordination, if the County determines, after reviewing further actual Project monitoring data, that such additional mitigation is warranted (above and beyond those already required) to address Project impacts to I-5. Such a TDM program would be tailored to assure effectiveness based on actual Project circumstances. For example, if as anticipated most Project residents are on vacation, a daily shuttle to regional jobs centers may not be effective. On the other hand, facilitating carpooling and ridesharing, along with transit utilization, for Project employees may be effective. Given the anticipated resort utilization of the Project, the anticipated likelihood that most Project employees will come from a dispersed set of communities including nearby Mountain Communities, Arvin, greater Bakersfield, and the Santa Clarita area, requiring a daily shuttle bus or similar system was not considered an effective means of reducing Project-related traffic.

Response 24 Y4.

Commentor states that the Project applicant can implement incentives for its residents to carpool when traveling long distances. The Draft EIR contains several mitigation measures designed to encourage use of alternative transportation modes other than the single occupant vehicle. For example, Mitigation Measure 4.15-3 requires implementation of a transportation demand management program (TDM) if specific cumulative traffic impact thresholds have been met. The TDM program could include a carpool program, a van pool program, regional shuttle coordination, a telecommuting center or park and ride lot. Mitigation Measure 4.15-5 requires that an employer of more than 100 people implement appropriate measures to reduce employee commuting costs including the possibility of carpool and van pool formation. In addition, numerous mitigation measures encouraging usage of alternatives to single occupant vehicles, including: Mitigation Measure 4.3-7, which includes provision of a transit stop; Mitigation Measure 4.3-9, which requires installation of high speed technology to encourage telecommuting; Mitigation Measure 4.3-10, which requires commercial areas and amenity buildings to be designed for pedestrian and bicycle accessibility; Mitigation Measure 4.3-11 bicycle storage racks at commercial areas; Mitigation Measure 4.3-12, which provides for a park and ride facility at commercial site; and Mitigation Measure 4.3-12, which requires commercial area preferential parking for carpools and vanpools.

Response 24 Z4.

Commentor suggests that the Project applicants should "investigate the possibility of contributing to the development of alternative methods of mass transportation, such as the California High Speed Train System. Section 4.15, TRANSPORTATION AND TRAFFIC of the Draft EIR includes an evaluation of the existing transportation circulation system and an assessment of the impacts to the existing system. The mitigation measures contained in Section 4.15 are designed to alleviate the impacts associated with Project implementation. In addition, as explained in the Response to Comments 24-Z4, above, Section 4.3, AIR QUALITY AND CLIMATE CHANGE of the Draft EIR includes a variety of measures to encourage future residents to utilize alternative modes of transportation appropriately fashioned to the Projects setting. For example, Mitigation Measure 4.3-7 requires provision of a transit stop at the village mixed use center. This stop could be utilized by the regional transit provider with the possibility of providing a link to the High Speed Train System once the system is operating. Commentor's suggestion that applicants make a financial contribution to the California High Speed Train system is not considered an appropriate mitigation measure under CEQA, since the full financing and construction schedule for that system remain uncertain. Project mitigation requirements relating to transit are also summarized in Response to Comment 24-O4. Commentor's opinions regarding the high speed train system are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

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Response 24 A5.

Commentor suggests that applicants engage in lobbying and making financial contributions to finance alternate transportation. This comment does not address the adequacy of the Draft EIR. Please refer to Response to Comment 24-Z4 for discussion of financing of alternative transportation systems. Commentor's opinions regarding lobbying and financing of alternative transportation are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 24 B5.

The Commentor asserts that Tejon Ranch and the surrounding area are a "unique remnant of Southern California's ecological past," citing a newspaper article in support of this assertion, and stating that it is of value to residents and visitors. Comment is noted and will be provided to the Planning Commission and Board of Supervisors.

Response 24 C5.

Commentor asserts that the Project will "obliterate the rural character" of the area and that the Draft EIR does not adequately analyze the Project's aesthetic impacts. The Draft EIR extensively analyzes potential aesthetic and light and glare impacts of the Project, mitigating them to the extent feasible. See Draft EIR Section 4.1, AESTHETICS/LIGHT AND GLARE. This analysis does not conclude that the Project will "obliterate" the rural character of the area. *Id.*

The Draft EIR conducted an extensive analysis of view impacts based on the Federal Highway Administration's visual assessment methodology. *Id.* Using state-of-the-art tools, simulations were prepared from several key location representing typical and worst case public and private views. *Id.* The simulations were rated in comparison to existing views and evaluated with consideration to the number, type and sensitivity of viewers, as well as the magnitude of the changes that would occur to key focal points. *Id.*

The Draft EIR analysis, both with regard to aesthetics and light and glare, found a distinction between the types of potential Project impacts:

1) The low density development areas of the Project which are controlled by Design Guidelines and Special Planning (SP) District Plan standards cause less than significant impacts. The Draft EIR concluded that the Project would result in less than significant impacts to scenic vistas and scenic highways (Impact 4.1-1 (Have a Substantial Adverse Effect on Scenic Vista) and Impact 4.1-2 (Substantially Damage Scenic Resources Visible from a State Scenic Highway)).

2) However, the Project's mixed use village would create significant visual impacts in the view corridor along the Interstate 5 and Lebec Road interchange. In addition, the Project would add new light sources to an area that is currently completely dark, the impacts of which are found to be significant. Accordingly, Impact 4.1-3 (Substantially Degrade Existing Visual Character or Quality of the Proposed Project Site and Its Surroundings) and Impact 4.1-4 (Create a New Source of Substantial Light or Glare That Would Adversely Affect Day or Nighttime Views) are considered significant and unavoidable, even with the implementation of feasible mitigation.

In conclusion, the Draft EIR thoroughly and completely analyzed potential Project impacts in the Project area related to aesthetics and light and glare according to established significance thresholds. While the Draft EIR did conclude that the Project would cause some significant and unavoidable aesthetic impacts, it was not determined that the Project would obliterate the rural nature of the area.
Response 24 D5.

The Commentor asserts that the Project will impact the area's natural setting and that this impact cannot be effectively mitigated. Commentor is referred to Response to Comment 24-C5.

Response 24 E5.

The Commentor cites several excerpts from the Draft EIR Section 4.1 regarding the varying sensitivities of different groups of viewers to aesthetic and light and glare impacts. The comment asserts that these citations indicate that the Draft EIR "trivializes" the aesthetic concerns of certain viewers. The Draft EIR excerpts cited were merely intended to acknowledge viewers' respective familiarity with views of the Project site, and how this may impact their sensitivity to changes in the view. Draft EIR Section 4.1, AESTHETICS/LIGHT AND GLARE. For example, the EIR explains that motorists using Route 5 for pleasure may be more sensitive to the surrounding visual environment than those using Route 5 for work related trips. Id.

Rather, aesthetic impacts of the Project on all types of viewers are analyzed according to the same significance thresholds, one of which is whether the Project will have a substantial adverse effect on a scenic vista. While only a portion of the Project site is visible from either the Interstate 5/Lebec Road corridor or surrounding properties (the development footprint is only 5,082 of the 26,417-acre site), EIR Section 4.1 analyzes impacts of the Project on these different groups of viewers using the same method. Using a series of visual simulations, the EIR compares the existing vividness, intactness, unity, and overall visual quality of views, with these conditions with the Project. This same process was utilized to evaluate potential impacts from five viewpoints, including those that may be considered "local", and all were determined to be less than significant. In conclusion, no measurable difference was utilized to consider visual impacts on residents as compared to any other viewers.

Response 24 F5.

The Commentor asserts, in follow-up to Comment 24-E5, that residents' aesthetic reactions form an important part of their opinion of the Project, and that residents' opinions deserve to be taken into account. To the extent this comment asserts that the Draft EIR did not accurately analyze potential Project aesthetic impacts from the perspective of area residents, see Response to Comment 24-E5. To the extent this comment asserts that the Draft EIR needs to analyze human "opinion" or "reaction", these issues are not properly considered pursuant to CEQA, as the statute is designed to focus upon physical impacts to the environment. Public Resources Code § 21000; Guidelines § 15131(a).

Commentor states that "another unique aspect of the area would be destroyed by a major development is it dark sky and suitability for stargazing," asserting that a dark sky is a key aspect of the eco-tourism development model. Commentor further cites the apparent contradiction between Draft EIR findings that the Project "would have minimal if any impacts related to night glow that could affect astronomical observation sites in the Mount Pinos area and the Los Padres National Forest campgrounds" versus the conclusion that "aesthetic impacts due to new sources of light and glare would be significant and unavoidable."

To the extent this comment asserts impacts on tourism, CEQA is not an economic protection statute, but rather is designed for environmental protection, such that analysis of impacts should be focused upon physical impacts to the environment. Public Resources Code § 21000; Guidelines § 15131(a).
To the extent commentor expresses concern regarding possible Project light and glare impacts, please note that the following policies and implementation measures are included in the proposed Tejon Mountain Village Specific and Community Plan:

Land Use, Open Space and Conservation Policy 39, "Develop broad design guidelines to create and preserve a community character that is consistent with the natural character and rural nature (including the dark night sky) of the Specific Plan Area" (p.2-20).

Land Use, Open Space and Conservation Policy 40: "Ensure that light and glare from new development projects are minimized throughout the Specific Plan Area by using dark sky guidelines for all outdoor lighting" (p. 2-20).

Land Use, Open Space and Conservation Implementation Measure L: "TMV Design Guidelines (Appendix B) incorporates design criteria to address minimization of light and glare and preservation of dark skies in the area. The guidelines shall also incorporate the principles of buffering through the use of orientation and landscaping, and compatible use of materials and colors to minimize excess light spillover and reflection within buildable areas, especially where development abuts open space areas" (p. 2-23).

Circulation and Infrastructure Implementation F: "The TMV Design Guidelines (Appendix B) incorporate rural road lighting guidelines that limit the height of light poles, the type of lighting, and the location of light poles to minimize light spillover into natural open space areas consistent with the International Dark Skies Association guidelines, while incorporating road safety designs" (p. 3-20).

Commentor is referred to the referenced Master Design Guidelines (Appendix B of the Tejon Mountain Village Specific and Community Plan), Section F, "Lighting," pp. B-58-B64, regarding the lighting restrictions applicable to the Project. The lighting program in the Design Guidelines is designed to result in a dark sky, and includes limitations on visible exterior lighting in order to preserve nighttime ambiance, light spill and glare prevention measures, pole, fixture and lamp selection criteria, requires the use of low intensity, indirect light sources, and cut off fixtures, a prohibition on floodlighting of outdoor areas, and no illumination of natural spaces.

Additionally, Draft EIR Section 4.1, AESTHETICS/LIGHT AND GLARE identifies a number of mitigation measures and other restrictions to minimize light or glare impacts. The mitigation measures provide that street lighting will only be located at intersections, all external lighting fixtures will be permanently hooded or screened, and helicopter pad illumination will be pilot-activated and limited to the minimum intensity levels required by the Federal Aviation Administration. In addition, Mitigation Measure 4.1-5 has been supplemented to prohibit night lighting of the golf courses within the Project:

Mitigation Measure 4.1-5: All external lighting fixtures shall be permanently hooded or screened to prevent light and glare from spilling onto adjacent properties. This mitigation measure shall be included on the list of Design Guidelines in the Tejon Mountain Village Specific and Community Plan. The golf courses within Tejon Mountain Village shall not have night lighting.

Please refer to Section 7.2, REVISIONS TO PROJECT DRAFT EIR.

As a result of the implementation of these measures and restrictions, the EIR concludes that the Project site would continue to appear relatively dark in comparison with the heavily lit areas around it.
New Figures have been prepared and added to the EIR that show a nighttime simulation of lighting effects of the Project (see new Figure 4.1-13) and the relationship of the Project to Mt. Pinos Viewing Station (see new Figure 4.1-14). These Figures support the Draft EIR's prior conclusions. The following text is added to the EIR discussion of Impact 4.1-4, "Create a New Source of Substantial Light or Glare That Would Adversely Affect Day or Nighttime Views."

Figure 4.1-13 demonstrates the difference between the light and glare generated by the existing commercial uses along I-5 (the baseline environmental condition) and the light and glare generated by the Project as restricted by the Master Design Guidelines (Tejon Mountain Village Specific Plan Appendix B, Section F) and Mitigation Measures 4.1-2 (as amended in the Final EIR), 4.1-4, 4.1-5, and 4.1-6. This Exhibit indicates that in comparison with the heavily lit areas near to the Project site and due to lighting restrictions required by the Design Guidelines, the Project site would continue to appear almost completely dark. Figure 4.1-14 shows the relationship between the Project and the Mt. Pinos Viewing Station, several ridgelines away. Based upon the very minimal light that the Project would contribute to the area (as shown on Figure 4.1-13) and the relative location of Mt. Pinos Viewing Station (as shown on Figure 4.1-14), the Project would have minimal, if any impacts related to night glow that could affect astronomical observation sites in the Mount Pinos area.

This new text has been added to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.
Figures 4.1-13 and 4.1-14 have been added to Section 7.4, FIGURES.

However, as also concluded in the Draft EIR, despite the relative dark appearance of the Project and its minimal (if any) impacts upon astronomical observation, aesthetic impacts due to new sources of light and glare from the Project would be considered significant and unavoidable for the following reasons: a) the area is currently completely dark such that any new light sources would be noticeable; and b) the area along Interstate 5 is already severely impacted with existing unshielded light sources making any new light source, shielded or not, a significant impact. Draft EIR Section 4.1, AESTHETICS/LIGHT AND GLARE. Accordingly, Figures 4.1-13 and 4.1-14 confirm the analysis and conclusions in the Draft EIR and do not constitute significant, new information; Project light and glare impacts remain significant and unavoidable.

Finally, the Master Design Guidelines included as Appendix B of the Tejon Mountain Village Specific Plan have been revised to clarify that the lighting standards included in the Specific Plan (including a prohibition on uplighting and other measures to protect dark nighttime skies) also apply to the commercial area.

Page B-58 of the Specific Plan Appendix B (Master Design Guidelines) is modified as follows:

**LIGHTING**

**Purpose and Application**

The purpose of this section is to establish reasonable and necessary guidelines to ensure appropriate lighting improvements within TMV. The intent is to enable TMV to play an important role in the provision of innovative lighting solutions which successfully balance public safety, commercial viability and environmental excellence. Consistent with TMV’s approach to environmental sensitivity, this section sets forth a comprehensive set of dark sky guidelines to apply to the design of Planning Areas 2-5. These guidelines are consistent with the International Dark Sky Association recommendations, and in addition, provide implementation guidance for sensitive lighting solutions for specific areas of the TMV community. Within Planning Area 1, the Village Mixed use area along the I-5 corridor, the Special Development Standards of Chapter 19.80 of Kern County Zoning Code will provide standards to cover lighting improvements. The County of Kern is considering updating these standards to incorporate innovative approaches to improving environmentally-sensitive refinements, and it is anticipated that Planning Area 1 will participate in this process.

Page B-60 of the Specific Plan Appendix B (Master Design Guidelines) is modified as follows:

**Lamp Wattage and Shielding**

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below. Lamp wattage for resort commercial lighting and resort support facility lighting should be the lowest amount feasible and full cutoff lighting be limited to areas that require illumination. In residential areas, the full cutoff light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
Streets Roadways and Drives

Street lighting in TMV will be minimized. Illumination levels at primary public intersections shall provide the minimum requirement for safety and directional orientations. Lighting along private roadways will be restricted to major crossroads. Local roads and driveways will be lit only where necessary to provide for public safety. The intent is to preserve the rural character of TMV.

Response 24 G5.

Commentor states that the Project will "undermine Kern County's plan to provide adequate affordable housing for its residents" by "failing to serve the needs of low and moderate . . . income residents" and could exacerbate the problem of housing availability. Commentor also states that the Project would "impede" the County's objective to provide affordable housing. The Project is a mountain resort community that has been planned for part-time occupancy by residents and guests. Like other resort developments, the Project will generate construction-related jobs as well as permanent jobs in the planned hotel, golf courses, retail and other Project components. The Kern County General Plan provides a framework for planning the whole of the County, and does not create a mandate for each project to independently meet all County-wide goals and objectives. For example, there is no General Plan policy or objective that obligates each residential project in the County to include affordable housing units. The Draft EIR evaluates consistency with the Kern County General Plan in Section 4.9, LAND USE AND PLANNING, and also evaluates Project impacts on population and housing (Section 4.12, POPULATION AND HOUSING). Section 4.12 of the Draft EIR evaluated regional housing availability in relation to projected employment demand generated by the Project, and concluded that there was an adequate workforce in the Mountain Communities as well as other nearby communities such as Arvin. Section 4.12 also evaluated the extent to which proposed housing unit development included in the Project is consistent with regional planning for additional housing, and concluded that the Project was consistent with such regional planning. The same section of the Draft EIR also evaluated the availability of housing in these areas. Based on these evaluations, the Draft EIR preparers concluded that the Project would provide new employment opportunities for Kern County residents and would not adversely affect housing supply. Commentor also notes that by drawing workers from communities such as Arvin, the Project will cause workers to commute for longer distances and the commentor advocates that the Project include affordable housing onsite for its workers. Commuter distances are evaluated in Section 4.15, TRAFFIC AND TRANSPORTATION of the Draft EIR, and have been evaluated as required by CEQA. Employment opportunities generated by the Project will benefit existing Kern County communities, without requiring the relocation of Kern County residents to the Project site. If affordable housing were included on the Project site, it is also likely that people living further from the Project – including people not currently living in Kern County – would relocate to the Project site, which would provide fewer employment opportunities to people within existing Kern County communities. For these and related reasons the Draft EIR concluded that the Project would not conflict with General Plan policies relating to housing affordability, and would not adversely affect population or housing. Commentor's objections to these conclusions are noted for the record and forwarded to the Planning Commission and Board of Supervisors for further review.

Response 24 H5.

Please refer to the Response to Comment 24-G5.
Response 24 J5.

Commentor indicates in its comments that the construction and occupation of the Project site would have “dire consequences for many flora and fauna in this rare, fragile bioregion.” The Center’s specific comments regarding biological resource issues, however, are limited to what it considers are “arguably the two most problematic natural resource impacts: damage to the California condor population and the elimination of a vital wildlife corridor that links diverse regions.”

Because this comment is introductory to the Center’s specific comments and because the Center defers comments on other biological resources to scientists and “environmental activists,” the responses provide here are limited to Commentor’s specific comments regarding wildlife corridors and California condor. Please also refer to Response to Comment 19-L.

Response 24 K5.

Commentor indicates in its comments that the Tejon Ranch, as located at the nexus of four distinct bioregions, is a “vital connection for deer, mountain lions, bears, elk, and other species moving between these regions.” The Center comments that existing obstructions such as Interstate 5 already restrict the movement of wildlife, making the open space of Tejon Ranch all the more essential for migration.

This characterization of Tejon Ranch as a habitat linkage for the bioregions is accurate, and the characterization of its importance for the species listed above is also generally accurate. However, the elk population on Tejon is not native to California. The elk on site is the Rocky Mountain elk (Cervus canadensis nelsoni) and was introduced on Tejon Ranch for the purpose of hunting. The elk is not a species of concern regarding the function of Tejon Ranch as a wildlife habitat linkage.

Regarding Interstate 5, the function of Interstate 5 for movement of wildlife is a separate issue from the importance to wildlife movement across the Tejon Ranch landscape. Interstate I-5 is part of the baseline conditions for the Project and the comment accurately states that the freeway restricts wildlife movement. As discussed in Section 4.4, BIOLOGICAL RESOURCES, the Project will maintain the function of Tejon Ranch as a wildlife linkage area. Tejon Ranch and undercrossings at Interstate 5 are both important for maintaining movement. As stated in the Draft EIR on page 4.4-424, “The Tehachapi range has been characterized as an upland wildlife linkage between the Sierra Nevada to the northeast and the coastal ranges to the southwest in the “South Coast Missing Linkages: A Linkage Design for the Tehachapi Connection” study (SCML study (Penrod et al. 2003)).” Species will continue to use the Interstate 5 undercrossings irrespective of the Project.

Response 24 L5.

Commentor indicates in its comments that the construction of the Project “will force more migration patterns across the highway” (presumably Interstate 5), a barrier that appears insurmountable to some species.” and cites a 2003 article in the Los Angeles Times.

It is not exactly clear what the comment is referring to in this article, but it may be the statement from the article that “Tejon wildlife studies haven’t detected much crossover from the ranch west across the freeway; one badger and a few mule deer in two years of monitoring.” This article is six years old and does not include wildlife movement information across Interstate 5 that has been collected since the
The Draft EIR provides an extensive analysis of habitat linkages and wildlife corridors in the Project region, including movement across Interstate 5 based on a long-term camera study (see Impact 4.4-4 on Draft EIR pages 4.4-424 to 4.4-442). These recent data indicate much more frequent movement across Interstate 5 at several locations by several species. Existing wildlife movement across Interstate 5 was studied using motion-sensitive cameras positioned at several potential wildlife crossing points, including culverts, an underpass, and an overpass (see Draft EIR Figure 4.4-15). Generally, the number of wildlife photographed at the northern crossing points was greater than the number photographed at southern crossing points, with the Grapevine Camera Group accounting for approximately 65% of all terrestrial species photographed in the study. Overall, the photographic data indicate that large mammal activity (mule deer, bobcat, and coyote) was concentrated at the Northern Castac Lake Camera Group and the Southern Grapevine Group (see Draft EIR Table 4.4-161). In particular, the data for bobcats and coyotes from the Southern Grapevine Camera Group strongly indicate that these species moved across Interstate 5 via existing culverts. Additional surveys of trails leading from nine Interstate 5 culverts that showed significant evidence of movement in the camera study found evidence of mule deer, bobcat, and coyote moving to and from the Interstate 5 culverts. These camera and wildlife trails survey data indicate movement by large and small mammals in areas within and adjacent to the Project site and also demonstrate that Interstate 5 is not an impermeable barrier to east–west wildlife movement under existing conditions. Most of the existing wildlife movement is occurring at the more northerly underpasses and culverts within the Tehachapi uplands. Furthermore, large and small mammals are traversing steep and rugged landscapes such as the north face of Grapevine Peak (see Draft EIR Figure 4.4-16). Movement across these areas allows direct access from the Project site to the Wind Wolves Preserve and Los Padres National Forest west of Interstate 5.

Again, it should be stressed that both the Interstate 5 undercrossings and Tejon Ranch function together to convey wildlife between the Sierra Nevada and the coastal ranges, and that, without both, movement would be effectively blocked. The most important issue, therefore, is that post-development, wildlife would continue moving across both Tejon Ranch and Interstate 5.

In order to analyze the relationship between the Tejon Ranch landscape and movement across Interstate 5, in addition to the camera studies, the Draft EIR analyzed (1) on-site wildlife habitat use in relation to the frequent Interstate 5 crossing points indicated by the camera studies; (2) the potential impacts of the Project on the movement of existing native resident and migratory species through the Project landscape based on comparable wildlife movement studies; and (3) the potential impacts of the Project on wildlife movement based on theoretical computer models. Based on this analysis, the Draft EIR determined that the Project would have a less-than-significant effect on native resident and migratory wildlife movement and therefore would not destroy crucial linkages to other preserved lands, eliminate wildlife corridors, or fragment the watershed.

Within the general Project area, native wildlife, including high-mobility species, such as black bear, mountain lion, mule deer, bobcat, and coyote, have been observed at several locations, including around existing developed areas such as the cluster of buildings and facilities at the TRC headquarters and adjacent school. Because the proposed Project site is mostly undeveloped, native wildlife generally range freely across the landscape.

Based on existing information for generally unrestricted wildlife movement across the proposed Project site, within the broader Tehachapi uplands landscape, and across Interstate 5 at several locations, the Draft EIR analyzed the impact of the proposed Project on wildlife movement (described in detail on Draft EIR pages 4.4-431 through 4.4-440). The impact analysis methods included dividing on-site resident and migratory native species into five representative guilds or groups that generally share the same propensity and capacity for movement through a landscape: (1) high-mobility ground-dwelling species (e.g., bear,
mountain lion, bobcat, coyote); (2) moderate-mobility ground-dwelling guild (e.g., American badger, raccoon, gray squirrel); (3) low-mobility ground-dwelling guild (e.g., rodents, reptiles, amphibians); (4) high-mobility aerial guild (e.g., California condor, golden eagle, pallid bat); and (5) moderate-mobility aerial guild (e.g., rufous-crowned sparrow, Bell’s sage sparrow, California spotted owl). In general, the ability to move through and within a landscape is more important for high-mobility ground-dwelling species because they range over comparatively large landscapes (e.g., hundreds to thousands of acres) and, therefore, are sensitive to habitat loss, fragmentation, and barriers to movement. High-mobility aerial species are less sensitive to habitat fragmentation because of their ability to fly between suitable habitat patches. Adequate habitat patches are important for the low- and moderate-mobility species because their life cycles tend to occur within relatively small ranges (e.g., less than 1 acre to tens of acres), although some species may exhibit relatively long, one-time dispersal events. In many cases, maintaining adequate linkage habitat for the high-mobility ground-dwelling species will provide habitat for species in the other guilds, serving an “umbrella” function.

The impact analysis also took into consideration the lands north, east, and south of the proposed Project site that would be permanently preserved as open space under the comprehensive Ranchwide Agreement (see Draft EIR Figure 4.4-17). The key element of the Ranchwide Agreement for preserving an adequate wildlife linkage is clearly stated in the Draft EIR (page 4.4-433) (In reprinting this text it was observed that minor edits are required; these textual edits are also available in Section 7.3, ERRATA.):

Figure 4.4-17 shows that the project’s preserved open space and the Tejon Ranch Company landholdings preserved under the Ranchwide Agreement jointly make up a contiguous, fully avoided wildlife linkage of approximately 178,000 acres. No public roads or commercial, residential, or industrial development of any kind would occur in this linkage. The wildlife linkage would include a contiguous, fully avoided block of land to the north of the project approximately 4 to 8 miles wide and 9 miles long. This portion of the linkage would connect directly with Interstate 5 underpasses and culverts documented to be the most heavily used by the larger high-mobility species and carnivores in the camera study (see Table 4.4-161). The areal extent of the wildlife linkage would increase to a total of approximately 240,000 acres if all potential acquisition areas in the Tehachapi landscape are acquired under the terms of the Ranchwide Agreement.

The analysis compared the size dimensions of this habitat linkage with other major habitat linkages in Southern California, such as the Santa Ana Mountain Area and Santa Monica Mountain Area linkages, where significant wildlife species movement is known to occur, and found it to be comparable in dimension and with significantly lower development and fewer major roadway impacts. Based on this comparison, the Draft EIR concluded that the wildlife linkage provided for by the Project together with the Ranchwide Agreement would support wildlife movement through the Tehachapi landscape.

The Draft EIR specifically analyzed wildlife movement within the proposed development area. The proposed Project includes Open Area where no development would occur; Mountain Residential, where only a very low dwelling unit density of up to 2 units per gross acre could occur; and Resort and Village Mixed-Use, which would allow higher densities of 10 to 30 units per gross acre. The Resort and Village Mixed-Use designations are limited to southern and middle portions of the Project site and a small area immediately adjacent to Interstate 5 near the Lebec interchange, respectively (see Draft EIR, Figure 3-10). Wildlife linkage studies summarized on pages 4.4-435 through 4.4-437 of the Draft EIR indicate that areas such as the Open Area and very low dwelling unit density Mountain Residential designations are compatible with significant wildlife movement, thus extending the function of the large regional wildlife linkage provided for in the Ranchwide Agreement. Andreassen 1996; Loyd et al. 2006; George and Crooks 2006; Grinder and Krausmann 2001; VerCauteren et al. 2005; Riley et al. 2003; Tigas et al. 2002;
Due to the relatively high density of units in the Resort and Village Mixed-Use areas, these areas may not support significant native wildlife populations or as effectively convey movement through the area following build out of the Project.

Accordingly, the Draft EIR concluded that the Project would avoid significant impacts to native resident and migratory wildlife movement through the Tehachapi landscape. Movement between the proposed Project area and Wind Wolves Preserve and the Los Padres National Forest to the west and Sequoia National Forest to the east would not be significantly affected by the Project. Draft EIR, page 4.4-437 states:

Figure 4.4-17 shows that the avoided open space throughout the western Tehachapi landscape and the Mountain Residential portions of the project’s development envelope collectively make up a wildlife linkage that varies from approximately 4 to 8 miles wide and 9 miles long north of the project site and includes a large area of permanently protected open space to the east. The linkage would connect directly with the southern Grapevine and northern Castac Lake Camera Group locations, which were heavily used by high-mobility species in the camera study (see Table 4.4-161). The size of the western Tehachapi landscape wildlife linkage is comparable with or larger than other major linkages in southern California and would be subject to lower levels of development, fragmentation, and roadway intrusion. Significant movement for all species has been documented in other regional linkages that are subject to greater development and roadway pressures (George and Crooks 2006; Tigas et al. 2002; Haas 2000; Dudek 1995). The permanent preservation of a fully avoided, contiguous wildlife linkage throughout the western Tehachapi landscape and the persistence of linkage function in the lower density portions of the project would avoid significant impacts on existing native resident and migratory wildlife movement within the project and in the western Tehachapi landscape.

This conclusion, which primarily is based on the Interstate 5 camera and wildlife trails studies, the Open Area and Mountain Residential designations, and comparable wildlife linkage studies, and is bolstered by the large amount of open space preservation that would occur under the Ranchwide Agreement, is also supported by modeling of high-value wildlife movement corridors that was conducted to further analyze potential Project impacts. Linkage design software (Corridor Designer) was used to model habitat areas that would provide the safest (i.e., “least-cost”) movement through a landscape for a focal species, where variables such as natural vegetation communities and roadways affect the cost (e.g., mortality, lack of food or shelter) of moving through the landscape. Areas of the landscape are ranked for these variables and then summed, with the sum of the most highly rated locations between two points being the least-cost movement corridor. Research indicates that preservation of the top 1%, or in some cases, the top 0.7% least-cost corridor, would maintain sufficient species movement in a landscape. The Draft EIR analysis is based on a least-cost model that replicated the model used by the South Coast Missing Linkages (SCML) study for the Tehachapi uplands connection. The current modeling was conducted using software that was updated since 2003 and more detailed vegetation information that was generated by Project surveys and distance to roads (see Draft EIR Appendix E-1 for details on the SCML model and the updated application used for the Draft EIR).

The top 1% least-cost corridor analysis was applied to four focal species known to occur in the Project area: mountain lion (high-mobility ground-dwelling guild), mule deer (high-mobility ground-dwelling guild), gray squirrel (moderate-mobility ground-dwelling guild), and spotted owl (moderate-mobility aerial guild). The model results, shown in Draft EIR Figure 4.4-18, depict a general agreement between the replicated SCML results (using the same data used by SCML in 2003) and the updated results using the detailed Project-level vegetation and distance to roads. The model results were very similar and both
show that the majority of the highest value wildlife linkage through the western Tehachapi landscape is located in preserved open space north of the Project site. Based on these model results, which are consistent with the empirical data for wildlife movement in the Project area and across Interstate 5, the Draft EIR concluded that (page 4.4-439):

Virtually all of the top 1% least-corridor solutions for the four focal species in both the 2003 SCML study and the updated analysis occur in the avoided portions of the western Tehachapi landscape or in the lowest density Mountain Residential portions of the project development envelope. As discussed above, research indicates that wildlife linkage functions are maintained in lower density areas, particularly where such areas are adjacent to significant open spaces. As a result, the project would not significantly affect the portions of the western Tehachapi linkage that correspond with the highest valued movement corridors identified in the SCML study and updated linkage models.

Although the Draft EIR concluded that the Project would not significantly affect wildlife movement through the western Tehachapi landscape, several mitigation measures will be implemented that will serve to reduce impacts to native resident and migratory wildlife movement. These mitigation measures include: 4.4-1 (culling non-native species such as feral pigs); 4.4-11 (protection of habitats within the Project site that support linkage function); 4.4-12 (ensures that approximately 81% of Project area would remain undeveloped at full build out); 4.4-13 (implementation of Resource Management Plan that would address species movement); 4.4-14 (adoption of Integrated Pest Management Plan that would control pesticide use); 4.4-18 (homeowner educational programs and trail signage regarding protection of biological resources); 4.4-19 (limitations on uses in open areas to activities that would not significantly affect resources, including guided hunting for non-native species control, cattle grazing, education, adaptive management, and low-impact recreation); 4.4-20 (controls on fertilizers and pesticides for golf course maintenance); 4.4-26 (limitations on lighting and direction away from natural open space areas); 4.4-29 (controls on human intrusion into on-site natural vegetation); 4.4-31 (adoption of Grazing Management Plan that ensures that grazing in open areas would avoid special-status wildlife communities and sensitive vegetation communities); 4.4.36 (covering of trash receptacles to avoid and reduce attraction of native and non-native wildlife to developed areas); and 4.4-37 (requirement that horse feed mixes do not contain seeds that may result in invasions of non-native plants into open areas).

Consequently, wildlife movement and corridor functions and values will not be significantly impacted and will be maintained by the Project.

Response 24 M5.

Commentor comments that the Draft EIR uses its own survey data regarding the wildlife corridor and concludes that the open space left within and around the proposed Project site will allow adequate passage of wildlife across Interstate 5 bridges and underpasses and Tejon Ranch. (underline added for emphasis).

It is standard practice for a private landowner to contract with qualified entities (e.g., private consultants, public agencies, universities) to conduct appropriate biological studies. The methods and results of such studies are then provided to the public for review and comment if they are used in a CEQA analysis. The results of the habitat linkage and wildlife corridor studies used in the Draft EIR are summarized in Response 24-M5 and are described in detail in the Draft EIR, Impact 4.4-4 on pages 4.4-424 to 4.4-442.
Response 24 N5.

Commentor indicates in its comments that since the Ranch is “the one true wildlife linkage” in the region, the Company’s unwillingness to allow others to perform similar surveys on Tejon Ranch to those conducted by the Company’s consultants calls their conclusions into question.

First, as described in the Response to Comment 24-M5, extensive wildlife movement and corridor studies were conducted on Tejon Ranch and Interstate 5. These studies are presented in the Draft EIR in detail (see Impact 4.4-4 on Draft EIR pages 4.4-424 to 4.4-442) and the supporting Biological Resources Technical Report (Appendix E-1 to the Draft EIR). Furthermore, the landscape permeability modeling used new software (Majka et al. 2007) developed from the results of a previous study conducted by the South Coast Missing Linkages (Penrod et al. 2003) project.

Second, the CEQA environmental review process is an open and transparent one that provides opportunities for agencies, experts, and other stakeholders to present input on any subject contained in an EIR. That input becomes part of the public record for the Project and is available to decision makers in their consideration of whether or not to approve a project as proposed. This process is being implemented by Kern County for the Project.

Response 24 O5.

The comment purports to quote from Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692. While this case paraphrases the offered quote, the quote is actually from section 15151 of the CEQA Guidelines. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 P5.

Commentor indicates in its comments that the Draft EIR provide a “good-faith estimate of the project’s encroachment into this vital wildlife corridor.”

The results of the habitat linkage and wildlife corridor studies used in the Draft EIR are summarized in the Response to Comment 24-M5 and are described in detail in the Draft EIR, Impact 4.4-4 on pages 4.4-424 to 4.4-442. This analysis is a “good faith” estimate of the proposed Project’s impacts on habitat linkages and wildlife corridors.

Response 24 Q5.

This comment states that the Draft EIR at page 4.4-478 identifies potential condor impacts and that mitigation measures, such as “feeding stations—piles of offal dumped by hunters and raised platforms stocked with animal carcasses—will minimize the impact” on condors.

Page 4.4-478 of the Draft EIR is part of a table that addresses cumulative impacts to special-status species. Mitigation for the Project’s potential impacts to the condor includes, but is not limited to, Mitigation Measure 4.4-6 which provides for supplemental condor feeding at two feeding sites identified with the concurrence of the USFWS. Other mitigation measures for the condor include Mitigation Measures 4.4-1, 4.4-3, 4.4-4, 4.4-5, 4.4-7, 4.4-26 and 4.4-36 (see Draft EIR at 4.4-94 through 4.4-96). The Draft EIR and the Tejon Ranch California Condor Conservation and Management Plan (CCP) included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR) conclude that the Project will not significantly impact California condors or condor habitat but, rather, will enhance condor habitat within Tejon Ranch. To the extent the comment suggests
that supplemental feeding programs or hunting of game animals adversely affect condors, it should be noted that every current California condor recovery program, including those in Southern California, the central coast, Arizona, and Baja California, includes a food subsidy program that provides clean (non-lead tainted) carcasses for condor consumption. Under current and reasonably foreseeable future conditions, released condors would almost certainly die in the wild in the event supplemental feeding programs were discontinued due to lead ingestion from carcasses killed with lead ammunition and the need to rapidly capture condors at feeding sites for emergency medical assistance. As discussed in the Draft EIR at 4.4-89 and the CCP at 14 and 19, lead poisoning due to ingestion of hunter-killed game with lead ammunition is thought to be the leading cause of mortality that resulted in the recent decline of the California condor. Condor biologists generally agree that without the supplemental feeding programs, which may have provided up to 90% or more of the diet of released condors, mortalities from lead poisoning would have been much higher until the ban on the use of lead ammunition within the areas of condor reintroductions in California was implemented. Draft EIR Appendix E-1 at Appendix I-14. The Project would provide funding for supplemental feeding programs on Tejon Ranch only upon the approval of the USFWS. If such programs are determined to be harmful to the species, and if the proliferation of non-lead impacted carcasses throughout the condors’ range eliminates the need to supply clean food and to capture and treat condors at centralized monitoring sites, then such feeding efforts will not be necessary. Consequently, the Project’s support for feeding programs will not adversely impact condor behavior and should enhance the potential for a more rapid condor recovery.

Response 24 R5.

This comment suggests that feeding programs will “domesticate” the condor, that “seven deaths” of condors have occurred within “the last 14 months” on Tejon Ranch, and that construction will cause more condor deaths.

As discussed in Response to Comment 24-Q5, supplemental feeding programs are a component of all current condor recovery programs and are essential to the recovery of the species. It should be noted that the concept of condor “foraging habitat” must be understood in the historical context of the fact that, since the period of European settlement in the condor’s range, human hunting and ranching activities, not the distribution of “natural” predator kills, determine where condors forage and feed. This fact has been recognized since the inception of the condor recovery program, when condor capture and captive breeding advocates were heavily criticized for interfering with the condor’s “natural” behavior. As Noel Snyder, the head of the 1980-1985 condor team and one of the individuals recruited by the Center for Biological Diversity to provide comments on the proposed Tehachapi Uplands Multispecies Habitat Conservation Plan (TUMSHCP) has noted in response to such concerns, “The condor has come to be a symbol….It came to symbolize wilderness even though it’s out there feeding on ranchlands. It’s given them a mystical status. But boy there’s a real problem trying to manage a symbol. It’s like trying to manage smoke rings” (quoted in Bergman, Wild Echoes (2003) at 74). Snyder and his condor team implemented feeding programs for the condor (see, e.g., Snyder & Snyder 2005 at 213 and 222). The value of supplemental feeding activities to condor recovery is further illustrated by the fact that another of the individuals recruited by the Center for Biological Diversity to provide comments on the TUMSHCP manages the privately-owned Wind Wolves Preserve located to the immediate west of the Ranch. In May 2008, the Preserve and the USFWS reported that “California condor recovery program biologists celebrated the overwhelming success of a new feeding site on the Wind Wolves Preserve in the San Joaquin Valley in early May. Photos taken on the preserve by an infrared camera revealed to biologists that 20 individual condors-more than half of the Southern California wild condor population fed on calf carcasses provided at the site by program staff over a three day period. Wind Wolves Preserve, managed by The Wildlands Conservancy, is the largest privately owned preserve on the west coast with 97,000 acres of protected wildlife habitat. Through cooperation of The Wildlands Conservancy with the U.S.
Fish and Wildlife Service, two initial areas were established on Wind Wolves as carcass drops for the supplemental pilot-feeding of condors off of refuge lands. Condors quickly keyed in on one of the feeding sites and within a few days, cohorts of both adult and juvenile birds had filled their crops with the carcasses provided at Wind Wolves Preserve. Restricted in range partly due to the widespread and harmful effects of lead in the environment, California condors have benefited in the past from the protected habitat provided on select federal lands. The addition of the Wind Wolves Preserve as a partner in critical condor habitat is an asset to the California condor recovery. By continuing new feeding efforts at protected sites across the California condor’s historic range, program biologists hope to effectively return the largest bird in North America to a sustainable and independent state” Thompson 2008. As indicated in the USFWS summary, the implementation of supplemental feeding within Wind Wolves, and elsewhere as required, is an essential component of and consistent with condor recovery efforts. The Project, in conjunction with the Ranchwide Agreement, will ensure that clean, lead-free carcasses related to hunting, grazing and, if implemented, USFWS supplemental food programs will be maintained throughout condor habitat in approximately 240,000 acres of the Ranch in perpetuity.

The contention that “seven” condors have been killed on the Ranch within “the last 14 months” is wholly inaccurate and misleading. No condor was killed on the Ranch during this period. Several incidents of lead poisoning, which is unfortunately common throughout the condor’s range in California, Baja California and Arizona, were reported within the Southern California condor flock in early 2008. One bird reportedly died as a result of lead exposure. There was speculation that certain of the affected condors may have fed on carcasses on the Ranch that contained lead ammunition. At the time, there were no state restrictions on the use of lead shot. The state ban on lead ammunition within the range of the California condor became effective July 1, 2008 (Tejon Ranch has implemented a lead ammunition ban on the entire Ranch since January 1, 2008). Tejon Ranch cooperated with state and federal authorities in investigating the causes of condor lead exposure, and suspended the entire Ranch hunting program for a period of time to assist with the effort. None of the affected condors were conclusively shown to have been exposed to lead within the Ranch.

Construction period impacts to the condor are considered in the Draft EIR at 4.4-92 through 4.4-94 and were determined to be less than significant with mitigation.

Response 24 S5.

This comment suggests that the TUMSHCP will allow “take” of condors and “27 endangered species,” and that the Project should not be built if it would negatively affect condors.

As discussed in Responses to Comments 24-R5 and 24-S5, the Project will not negatively affect the condor. The TUMSHCP is subject to a separate federal approval process. See Global Response 7.5.3. The TUMSHCP would cover approximately 141,886 acres in the upland Tehachapi Mountains areas of the Ranch, including the Project site. The TUMSHCP does not allow any lethal take of condors and no other forms of condor take are anticipated. Nevertheless, the USFWS has determined that condors that become attracted to human activity and structures, that are not deterred as a result of previous aversion training received while in captivity, and that are not discouraged by deterrence efforts after becoming habituated to human structures or activities, may need to be captured and relocated, undergo additional aversion training and be re-released, or be permanently removed from the wild. This potential need for USFWS to capture and relocate a habituated condor could constitute a non-lethal take, if such habituation is determined to be caused by Project development, and would require a permit under federal law. The Tejon Ranch Company is applying for an incidental take permit under the federal Endangered Species Act that would allow for up to four non-lethal captures of a condor by the USFWS to address habituation over a 50-year period. The permit would cover the proposed Project. The comment inaccurately states
that the Project will result in take of up to 27 “endangered” species. Impacts to species are thoroughly discussed and analyzed in Section 4.4 of the Draft EIR. The TUMSHCP will authorize take of certain special-status species, including take resulting from the Project. Of the 27 species covered by the TUMSHCP, however, three are listed as "endangered" under the federal Endangered Species Act, and seven are listed as "endangered" under the California Endangered Species Act. Impacts to species covered by the TUMSHCP would be limited to levels that do not affect conservation and preservation.

Response 24 T5.

Commentor expresses concern about the location of the proposed Project given its proximity to the San Andreas and Garlock faults, and the risks associated with these faults. Commentor correctly states the Project site is close to the San Andreas fault and the Garlock fault, and that several seismic risks are present in the area. Commentor cites to the Draft EIR regarding the potential damage level on the Mercali Intensity Scale (MMI) of earthquakes at these faults, which is IX to XI, and notes the damage that can be associated with a IX MMI. See Draft EIR at 4.6-13.

The County recognizes the seismic risks associated with the region. According to the 2007 Uniform California Earthquake Rupture Forecast, Version 2 (UCERF 2), a large proportion of the populated areas of California can expect to experience very high ground shaking levels in the near future. UCERF 2 is based on the findings of the 2007 Working Group on California Earthquake Probabilities (WGCEP). The WGCEP is a collaboration of geoscientists and engineers at the U. S. Geological Survey (USGS), the California Geological Survey (CGS), and the Southern California Earthquake Center (SCEC). It was formed to provide credible assessments of the earthquake hazards to maintain appropriate building codes for safe construction, and it is considered to be the current definitive evaluation of earthquake probabilities for California. UCERF 2 estimates the 30-year probability of a Magnitude 6.7 or greater earthquake on the southern San Andreas Fault to be approximately 59%, and the 30-year probability of a Magnitude 7.5 or greater event on the southern San Andreas Fault to be approximately 25%. UCERF 2 at 74, Table 12; 71, Figure 30. Site-specific estimates of expected groundshaking levels from earthquakes on the San Andreas, Garlock, and other regional faults based on probabilistic analysis are presented in the Tejon Mountain Village Draft EIR on pages 24 and 25 and Figure 9 of Appendix G-1.

Commentor's concern regarding risks associated with faults in the Project area is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 U5.

Commentor states that the Draft EIR acknowledges these risks but does not sufficiently quantify them, though commentor notes that the Draft EIR does state a 15% to 37% probability of experiencing groundshaking associated with a large earthquake on the San Andreas fault within the next 30 years. See Draft EIR at 4.6-12. Commentor notes that the Draft EIR includes a number of mitigation measures, and concludes that seismic impacts are less than significant with incorporation of mitigation. Commentor questions this conclusion in light of the seismic risks in the area.

Seismic ground failure hazards have been studied in great detail for the Project site in order to define what level of development is appropriate for each portion of the Project. Seismic hazard levels have been quantified in Appendix G-1 of the Draft EIR to the degree possible using current methods of analysis. As explained in the Response to Comment 24-T5, above, the UCERF 2 estimates the 30-year probability of a Magnitude 6.7 or greater earthquake on the southern San Andreas Fault to be approximately 59%, and the 30-year probability of a Magnitude 7.5 or greater event on the southern San Andreas Fault to be approximately 25%. As stated above, these probabilities reflect the most current (2007) UCERF 2
estimates. The Draft EIR referred to earlier probability estimates. Estimates of seismic settlement magnitudes for various locations on the site are given on Pages 29 through 32 and on Figures 10A through 10G of Appendix G-1. The locations of landslide deposits are depicted on Figures 8A and 8B of Appendix G-1. Surface fault rupture was addressed by very conservative fault buffer zones in Appendix G-2.

Commentor is correct that the Draft EIR includes a number of mitigation measures and concludes the Project's seismic impacts would be less than significant. As required by State law and Kern County Guidelines, the Project was configured to specifically avoid placing habitable structures in active fault buffer zones and to avoid other geologic hazards such as landslides and liquefaction zones where possible. Where proposed building areas extend into areas that have soils that are subject to seismic ground failure, the susceptible soils will be mitigated using well-understood and tested construction methods that are commonly applied in California and in other seismically active portion of the world. These methods of mitigation (refer to Mitigation Measures 4.6-1 through 4.6-5, 4.6-19 and 4.6-20) will reduce seismic settlement and lateral deformation in building areas to levels that will not adversely affect structures. Therefore, a finding of Less-Than Significant impacts for liquefaction, ground softening and lurching, lateral spreading, settlement, slope failure, and landslide hazards is appropriate.

The 2007 California Building Code (CBC) was prepared based on technical guidance from the WGCEP, and is typically updated every 3 years. It prescribes minimum design guidelines for structures with the intent to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage. These standards are not unique to the Project but are applicable to all areas of the state that are subject seismic ground shaking. All construction at the Project site will be required to comply with the most current applicable version of the CBC (refer to Mitigation Measure 4.6-18). Thus, all structures will be constructed in accordance with the State's determination of acceptable structural standards. Accordingly, the Draft EIR properly concludes seismic shaking impacts will be less than significant.

Commentor suggests that, even with these mitigation measures, the Project's impacts will not be reduced to a less than significant level within the meaning of CEQA, and cites to No Oil, Inc. v. City of Los Angeles to support this assertion. (1974) 13 Cal.3d 68. In fact, No Oil addressed the question of whether an EIR needed to be prepared in the first instance, not whether the significance determination in an EIR was justified. The court rejected a standard that would only require preparation of an EIR when a reasonably probability exists that a "project will have a momentous or important effect of a permanent or long enduring nature." Id. at 82 (internal citations omitted). The court instead concluded that an EIR should be prepared whenever an agency perceives "some substantial evidence that the project may have a significant effect" on the environment. Id. at 85.

As noted, however, this case concerned whether an EIR needed to be prepared at all, which requires only a fair argument that a project may have a significant environmental impact. See Quail Botanical Gardens Found., Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1602. No Oil does not suggest that any impact that is "not trivial" is "significant." The No Oil court simply observed, by citing to a federal case addressing the National Environmental Policy Act, that the definition of "significant" "covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" 13 Cal.3d at 83, n.16.

Thus, No Oil does not suggest that the Project's seismic impacts are significant, but rather that preparation of an EIR for the proposed Project was appropriate. Consistent with No Oil, the County prepared an EIR, which analyzed the Project's potential seismic impacts in detail, developed mitigation measures that will
substantially reduce those impacts, compared the Project's impacts against appropriate thresholds of significance, and properly concluded the Project's impacts will be less than significant.

Commentor's opinion that the Draft EIR does not properly acknowledge risks posed by earthquakes is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 24 V5.**

CPRE states its belief that, "even with all possible precautions taken, a large-scale development in such a seismically active location must expose workers and residents to a significant risk". The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to the Responses to Comments 24-T5 and 24-U5, above, regarding the Draft EIR's evaluation, mitigation measures, and conclusions regarding seismic impacts.

**Response 24 W5.**

Commentor comments that local flora and fauna could be adversely affected by air, water, and soil contamination from earthquake-damaged structures.

It is possible that an earthquake-damaged structure could generate air, water, and soil contamination. However, as stated on page 4.6-21 of the Draft EIR, the proposed the Tejon Mountain Village Specific and Community Plan and Special Planning District has been designed to avoid and minimize potential earthquake damage to structures. For example, the Tejon Mountain Village Specific and Community Plan and Special Planning District identifies areas with seismic hazards and requires that these constraints be considered during on-site construction planning. Implementation measures are included in the Tejon Mountain Village Specific and Community Plan and Special Planning District and the Tejon Mountain Village Design Guidelines to address potential geologic or soils conditions, including but not limited to setbacks from active faults and strengthened foundations (see Tejon Mountain Village Specific and Community Plan and Special Planning District, Chapter 6, Appendix B, Appendix C). The Tejon Mountain Village Special Plan No. 1, Map 256, requires that all development complete a site development plan review process demonstrating, among other requirements, that proposed grading will conform with the geologic and soils standards in the Tejon Mountain Village Design Guidelines and the Tejon Mountain Village Specific and Community Plan and Special Planning District. See Draft EIR Appendix B-1 and Appendix B of Tejon Mountain Village Specific and Community Plan and Special Planning District.

The Kern County CEQA Implementation Document and Kern County Environmental Checklist state that a project would have a significant effect if it exposes people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction) and landslides (see page 4.6-22); these potential impacts, after mitigation, would be less than significant. Therefore, the risk of an earthquake-damaged structure generating air, water, and soil contamination would be minimal and less than significant.

**Response 24 X5.**

Commentor refers to the County's General Plan Policy, which provides that the County will require development for human occupancy to be placed away from an active earthquake fault to minimize geologic hazards, and states its belief that the Draft EIR's seismic risk analysis is inadequate to determine what development is appropriate for this region.
The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Commentor corrected states the County’s General Plan Policy. In accordance with the County's policy, Mitigation Measure 4.6-2. provides that all buildings for human occupancy will be set back at least 50 feet from the trace of an active fault; all critical facilities will be set back at least 300 feet. A number of additional mitigation measures are included to minimize seismic risks to workers and residents of the Project. See Draft EIR at 4.6-26 to 4.6-29, 4.6-30. Please refer to the Responses to Comments 24-T5, 24-U5, 24-V5, above, for further discussion regarding the Draft EIR's analysis and mitigation of seismic risks. The Draft EIR includes sufficient analysis to determine appropriate Project development.

Response 24 Y5.

Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 Z5.

Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.


Please refer to Section 7.5.1, Castac Lake, for a response to this and other lake issues.

Response 24 B6.

Commentor states that the Draft Tejon Mountain Village EIR “does not give a definitive number” of the number of oil and gas pipelines at the Project site, and states that their presence creates additional risk in the event of an earthquake.

The Draft EIR analyzes the presence of existing pipelines at the Project site, including related seismic risks. A total of ten underground pipelines have been identified at the Project site. Eight of these are oil pipelines that are currently owned and maintained by Exxon Mobil Oil Corporation and Pacific Terminals LLC. See Draft EIR Section 4.7, HAZARDS AND HAZARDOUS MATERIALS. These pipelines consist of active, idle and abandoned pipelines. Id. These pipelines are primarily located beneath Lebec Road and the I-5, or within their right-of-way. Id. Appendix H-2 of the Draft EIR presents pipeline drawings, provided by the pipeline owners, which show their approximate location. Two high pressure-pressure gas pipelines cross under the Tejon Mountain Village project within easements located east of Castac Lake. These pipelines consist of 34-inch diameter line and a recently installed 26-inch diameter line. Where these pipelines cross the fault is not in an area proposed for dense development.

Both oil and gas pipelines are regulated, and routine monitoring, periodic inspections, maintenance, and repairs are required. See Draft EIR Section 4.7, HAZARDS AND HAZARDOUS MATERIALS (also citing the U.S. Department of Transportation, Pipeline and Hazardous Material Safety Administration, Office of Pipeline Safety, which implements and enforces requirements pertaining to pipelines transporting hazardous liquids and natural gas under the Natural Gas Pipeline Safety Act of 1968 as amended, and the Hazardous Liquid Pipeline Safety Act of 1979, as amended (49 U.S Code Chapter 601; 49 Code of Federal Regulations Parts 190-199)). The pipeline systems have valves and flanges allowing pipeline segments to be isolated, with loss of product minimized, in the event of a leak. Id. The Southern California Gas Company also has a safety program that has reduced the risk of gas distribution fires by improving welds on larger-diameter pipelines (like those crossing the Project site). Id. These high pressure gas lines are inspected regularly and must comply with the California Public Utilities Commission’s mandated safety requirements. Id.
The presence of these pipelines at the Project site was considered in the Draft EIR’s analysis of potential hazard- and seismic-related impacts. See e.g. Impact 4.6-1, discussing damage to transmission lines, such as gas and electrical transmission lines, due to fault rupture. Because these existing pipelines are not a part of the Project, but rather part of the existing Project setting, these pipelines are not subject to the same measures that will be imposed upon new Project infrastructure (see e.g. Mitigation Measure 4.6-6, requiring measures to minimize risks to new critical utilities that cross active fault traces). However, existing pipelines are regulated by those safety measures discussed above, and measures have been implemented to minimize risks from existing pipelines. See Mitigation Measure 4.6-14, requiring the Project applicant to "work with Southern California Gas Company to install the recommended shutoff valves on the high pressure gas line to provide the capability to stop flows within the line in case of a seismic emergency if existing capabilities are not adequate. These emergency shutoff valves shall be located on each side of the main trace of the Garlock fault where the pipeline crosses the fault or other appropriate location determined by the gas company." Draft EIR, Section 4.6, GEOLOGY AND SOILS.

Mitigation Measures 4.6-14 through 4.6-17 were inadvertently mis-labeled (pages 28-29 of Section 4.6, GEOLOGY AND SOILS); the correct Mitigation Measure numbers are included in the Errata Section of the Final EIR.

Accordingly, the presence of existing pipelines at the Project site is fully considered in the analysis of hazardous and seismic risks. In addition to federal regulation of these pipelines, the Draft EIR mitigates their potential impacts to the extent feasible.

**Response 24 C6.**

Commentor states that one of these pipelines has already contaminated soil and groundwater near the Project site. This historic spill is discussed in the Draft EIR. See Draft EIR Section 4.7, HAZARDS AND HAZARDOUS MATERIALS discussing an oil release at the California Highway Patrol facility from the ExxonMobile M-1 Crude Oil Pipeline. This release occurred outside of the Project site and is undergoing clean-up and monitoring. In addition, the comment states that “ruptures or ground shaking” during an earthquake could result in potential pipeline leaks adding to a potential risk to Tejon Mountain Village workers or future residents, asserting that this risk is significant and unavoidable and that the Draft EIR must take this into account. As discussed in response 133 above, the Draft EIR does consider the presence of existing pipelines in its analysis of hazardous and seismic risks. Draft EIR Sections 4.6 and 4.7, GEOLOGY AND SOILS and HAZARDS AND HAZARDOUS MATERIALS. The Draft EIR finds Impact 4.6-1 is significant before mitigation (the Project would expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault), however after mitigation, this impact is reduced to less than significant.

**Response 24 D6.**

Commentor states that wildfires pose a significant and underestimated risk at the Project site and that this risk will be increased by the construction and occupation of Tejon Mountain Village. The Center notes that the Draft EIR cites the Fire and Resources Assessment Program and the Kern County Fire Department in its statement that since 1950 there have been 23 large wildfires on the project site or within a quarter mile of it. The Center further states that unnaturally frequent wildfires pose a risk to the area’s flora and fauna as well as to human inhabitants, and that the Draft EIR acknowledges that the significant and unavoidable risk of wildfires will be increased by the proposed project. The commentor comments that the mitigation measures proposed fall short of reducing the risk to the "less than significant level".
The comment accurately references a statement from the Draft EIR in Section 4.7, HAZARDS AND HAZARDOUS MATERIALS.

The Draft EIR does acknowledge the Project will increase the risk of wildfire ignition, but the comment inaccurately suggests that the Project will expose people or structures to significant risk of loss, injury or death involving wildfires such that the Project will result in a significant and unavoidable regarding such impacts. The potential impacts of the Project related to wildfire risks are discussed in Section 4.7, HAZARDS AND HAZARDOUS MATERIALS. The implementation of Mitigation Measures 4.7-10 through 4.7-16 will ensure that wildfire impacts are reduced to a less than significant level. The proposed Project’s Fire Protection Plan was designed to provide for wildfire risk mitigation and meets or exceeds Kern County Fire Codes. Draft EIR, Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District. It also identifies the fire risk associated with the Project’s proposed land uses and identifies requirements for fuel modification, building design and construction, and other pertinent development infrastructure criteria for fire protection.

Regarding the comment that the mitigation measures fall short of reducing the risk to less than significant, the comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 E6.

Commentor states that the Draft EIR notes that many past fires were caused by traffic on Interstate 5 and that increased traffic on the interstate due to construction and occupation of Tejon Mountain Village will increase the risk of such fires. The Center comments that traffic-related fires are not addressed by the Project’s mitigation measures. The Center comments that it is contradictory to state that mitigation measures will result in a "less than significant" risk when those measures to not address what is acknowledged to be a major source of this risk, and that if the risk of traffic-related fires truly cannot be mitigated, this must be reflected in the final EIR's wildfire risk assessment.

The comment accurately references statements from the Draft EIR in Section 4.7, HAZARDS AND HAZARDOUS MATERIALS. The Project’s Fire Protection Plan does acknowledge, however, the risk posed by vehicle-generated fires, specifically acknowledging fires originating along Interstate 5. Draft EIR, Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District, Section 3.2. The Fire Protection Plan provides for wildfire hazard mitigation and identifies requirements for fuel modification, building design and construction, and other pertinent development infrastructure criteria for wildfire protection. The protection system outlined in the Fire Protection Plan is intended to mitigate wildfire risk regardless of fire origin or ignition source. Tejon Mountain Village’s Interstate 5 frontage will be subject to fuel modification both in the form of managed, monitored, and maintained fuel modification areas nearest the structures, where it is most critical for protection against structure ignition, and by ongoing livestock grazing, which has been the primary fuel reduction agent throughout the site and has limited fire spread on the site, as detailed in the Project’s Fire Protection Plan. The fuels occurring adjacent to Interstate 5 are primarily grasses. These “flashy” fuels burn quickly but typically have lower intensity and do not produce significant embers. These fires will not threaten the ignition-resistant structures that are protected by fuel modification zones of 100 feet wide or more. These fires are manageable by fire fighting resources now, and, with the development, the fire fighting resources will be expanded and provided a new modern Fire Station(s) and associated apparatus on the Interstate 5 corridor where fast response to vehicle fires will be enhanced and mitigated.
Response 24 F6.

Commentor notes that noise levels at several sites near the Project already exceed noise levels, that traffic would be the principal noise source from the Project site, and requests a further explanation of how the Draft EIR concludes that noise levels would be no higher under the No Project alternative. Noise impacts are considered in Section 4.11 of the Draft EIR, NOISE. Noise is identified as a significant and unavoidable impact, even after mitigation, under both the Project and cumulative impact levels. The Project will result in additional traffic-related noise, but the existing and anticipated growth of traffic on I-5 will continue to cause exceedences of applicable noise standards with and without the Project.


Commentor requests a realistic evaluation of the cumulative noise impact. Please see Response to Comment 24-F6, above.

Response 24 H6.

The comment accurately quotes from section 15126.6(a) of the CEQA Guidelines. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 I6.

The comment accurately quotes from page 6-2 of the Draft EIR. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 24 J6.

The commentor asserts that the specific geographical description within the first stated Project objective (referencing "convenient access from the greater Los Angeles and Bakersfield areas") limits the Project to one location and precludes consideration of alternate sites where fewer or less significant environmental impacts would result. This Project objective complies with CEQA. Pursuant to CEQA Guidelines Section 15124(b), this Project objective is "clearly written" and "include[s] the underlying purpose of the project." In fact, Project objectives are properly designed to guide the lead agency in the selection of alternatives evaluated in the EIR. CEQA Guidelines § 15124(a). While commentor correctly asserts that project proponents may not artificially limit the consideration of alternatives by utilizing overly narrow project objectives (see Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 737), the Project objective at issue identifies a geographic area of thousands of square miles, which does not unreasonably limit alternatives. In fact, the Draft EIR Chapter 6, ALTERNATIVES, analyzes an off-site alternative. See Section 6.6.4, "Alternative D: Alternate Site Alternative."

It should also be noted that while alternatives must be able to obtain most objectives of the project, they need not be able to implement all of them, and alternatives may not be excluded simply because they would impeded attainment of project objectives "to some degree." CEQA Guidelines §§ 15126.6(a)-(c); Mira Mar Mobile Community v. City of Oceanside ("Mira Mar") (2004) 119 Cal.App.4th 477, 487. Accordingly, lead agencies must balance the need to fulfill project objectives with the requirement to reduce significant impacts. In addition, while CEQA requires that an EIR identify alternatives to a project, it does not expressly require that it discuss alternative project locations. See Public Resources Code §§ 21001(g); 21002.1(a); 21061; CEQA Guidelines § 15126.4 (stating that the discussion of
alternatives must focus on alternatives to the project or its location that can substantially lessen or avoid significant impacts).

In conclusion, the Project objective is legally sufficient and does not improperly limit the consideration of Project alternatives.

**Response 24 K6.**

Commentor hopes its comments will aid the County to make decisions that support sustainable development and benefit the community. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 25

TriCounty Watchdogs
...protecting mountain resources and communities in Kern, Los Angeles, and Ventura Counties.

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

In separate letters TriCounty Watchdogs will send comments on separate sections of the DEIR for the Tejon Mountain Village. Consider this letter to be the executive summary of our comments.

The DEIR is seriously flawed. For the following reasons, it should be withdrawn.

1) **Flawed Public Input Procedure:** Concerned citizens have been deluged with a mountain of paper in the last few weeks representing the TUMSHCP, TMV, And the Frazier Mountain Estates proposed projects. A reasonable person has to assume that those in charge of the time schedule for public comment on these three entities must realize that the average informed citizen with a serious commitment towards involvement in the public CEQA process will have no opportunity to adequately review and comment on all the 30,000 or so pages of documents within the allotted time period. That means that the public input component of the CEQA process has been seriously compromised. For this reason alone, the DEIR should be withdrawn.

2) **Omission of Castac Lake:** Castac Lake is not being considered a part of the TMV project. That is absurd. Castac Lake is completely surrounded

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25-A

25-B

25-C

25-D
by the TMV Project. Castac Lake recently has been altered to appear as a perennial freshwater lake. It is obvious that this was done by Tejon Ranch in preparation for TMV. TMV is advertised as a high-end recreational community. Castac Lake has been presented in promotional materials as one of the recreational components. Castac Lake was, until recently, an intermittent saline soda lake. Tejon Ranch, apparently, has bypassed all permitting processes to change Castac Lake into a year-round esthetically-pleasing freshwater lake, using local groundwater shared by much of the rest of the nearby mountain communities. Castac Lake, as it has been recently transformed in preparation for this Project, now has new environmental issues. One detailed Biological Mitigation Measure (4.4.40) describes in great detail efforts to be applied to deal with the expected appearance of the bald eagle. This species might have been present during the winter at an intermittent lake, but certainly not as a breeding species. Castac Lake, as it has been transformed without the benefit of the permitting process, has created environmental issues for the TMV Project. Of course! It is part of the Project!

3) Urban Sprawl and Fallacy of Overriding Considerations: The Kern County Board of Supervisors has gone on record recently in opposition to urban sprawl in development denial. However, this project is the essence of urban sprawl. It is proposed to be created in the middle of a major component of California’s historic wild lands. Proponents are considering it a resort rather than urban development. History would dictate otherwise. The nearby mountain communities mostly began as resorts. They all presently are permanent full-time communities with a full age spectrum. They require the infrastructural needs expected in a remote complex urban community. TMV will be no different. The
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CEQA process includes an overriding consideration. It has been said that this Project will create tax money and create jobs. The reality, based on many studies, is that the eventual burden for the Project’s infrastructural needs will be paid largely by taxpayers not representing TRC, the developers, or the property owners. It will be the taxpayers of Kern County and California, particularly in the future, who will have to deal with, and pay for, school, human resource, highways, emergency, and other services.

Inappropriate Development for Local Region: TMV is not being planned to meet needs of the local communities. This is a luxury development that is being forced on the local communities to attract outside wealthy people. It also is being forced into a major environmental stronghold of resources. The goal of the Project is to make a great profit for remotely-located development interests having no connection to the region, its people, or its natural resources. This is recreational urban sprawl designed not to serve local needs, but utilize an important part of California’s natural heritage to turn a quick profit. It represents the opposite of Smart Growth. This Project stands for greed and insensitivity. The insensitivity has several forms 1) insensitivity to the local human community, 2) insensitivity to long-term infrastructural consequences, 3) insensitivity to the vast natural resources of this area and the affect of this type of development on the interconnectivity of several major bioregions of California, 4) the insensitivity to the consequences of encouraging thousands of people to occupy the intersection of the two largest earthquake fault systems in the United States on slopes steeper than allowed by the Kern County General Plan, and in an area prone to wildfires, which will require hugely-increased fire suppression costs in the future.
Comment Letter 25, Cont.

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5) **Contradiction to Massive Federal Condor Recovery Program:** The TMV proposed development is being thrust directly into the heart of one of the important historic and present-day habitations of the nearly extinct California condor.

6) **Cumulative Impacts:** This project is a major part of development proposals that, if allowed to be built, will completely transform the open space mountainous region between Bakersfield to the north, and the Castaic/Santa Clarita urban region to the south. Between TIC East and West, Newtown, Grapevine, TMV, Frazier Park Estates, Gorman Ranch, Centennial City and who knows how many more development plans, the region will be changed to a highly urbanized, congested sprawl. I-5 will be as dysfunctional as I-91 in Orange and Riverside Counties. And all of this development is not for the benefit of the local region. It is for the benefit of non-local developers who hope to ‘make a killing’ and then leave to destroy some other region of the world. The perceived tax windfall will eventually be compensated for many times over by long-term infrastructural needs, which will be supported by the nearby and state-wide taxpayers.

Thank you very much for considering our views.

Sincerely,

Lynn Stafford

Executive Board, TCW
Comment Letter 25, Cont.

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in Kern, Los Angeles, and Ventura Counties.

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/12/09

Dear Mr. Murphy,

Although I have comments on every aspect of the TMV DEIR, it was impossible for me to actually read the documents in the time we have been given. So I have restricted myself to commenting on the Aesthetics, Light Glare and Pollution sections of the DEIR. I must say that I have grave misgivings about this development and it’s future.

Mount Pinos has some of the darkest night skies in Southern California and has been a favorite Viewing Site for many years. Amateur astronomers come to the Mountain Communities to observe the stars.

http://www.observingsites.com/ds_ca.htm#pinos

We have great concern that the degradation of our night skies will have a negative impact on our future. We feel the most sustainable and appropriate engine for our economic future is an eco-tourism model, and dark night skies are an important element of this model.

The community has come together to explore and strengthen this vision. Please see the attached article from the Mountain Enterprise describing in detail the “Synergy Summit” at Cuddy Hall on Feb. 15, 2007. The scope of development
planned for TMV, as well as related projects of Centennial and FPE, will certainly affect the quality of our dark skies. (Cumulative Impacts) 25-Q Cont.

The Frazier Park Specific Plan was put together through an extensive series of Town Hall meetings in the Mountain Communities area, at a taxpayer expense of $100,000. Through a great deal of work and discussion the community came up with a plan that was acceptable to everyone. In the Final Draft of the Specific Plan, Item 3.3, Project Objectives states: “Adoption of Policies to attract new and maintain existing levels of tourist interest in the Project Area, and to protect the natural beauty and integrity of the communities.” The Mountain Communities Town Council conducted a Survey of area residents and the survey results were incorporated into our Specific Plan. 25-R

Tourism (eco tourism,) our most viable creator of future jobs and prosperity, will be negatively impacted by the visual blight of a Castaic type sprawl at the Gateway to our Mountain Recreation areas. Who will drive up into the mountains if all they can see from the freeway are subdivisions? Who will bother to drive up to the town of Frazier Park to shop or dine if all their needs can be satisfied in Lebec? The Tejon Mountain Village does not conform to the Objectives in the Land Use Element 1.3 Resources, Objective 1.3.A.1. “To Provide for development that strengthens the economic potential of the area and protects the natural, cultural, water, and scenic resources of the area.” 25-S

I did not see anywhere in the DEIR a mitigation fund to offset the loss of tourism dollars to the Mountain Communities. One idea that I didn’t see in the DEIR would be for the developers to pay into a fund that would be used to mitigate light pollution in our area. The light pollution and glare that exists in the Hallmark Storage and at the Flying J could be controlled to the benefit of all. 25-T

25-U
Comment Letter 25, Cont.

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Also, is TMV working hard enough to control their own glare and light pollution? Certainly, they don't need the amount of light that is generated at the TIC gas stations. How about working on some cutting edge technology to save electricity by using less light!

As I was reading thru the DEIR, I don't understand how 4.1.1, 4.1.2 have a less than a significant impact, yet 4.1.3 is significant. Can the County please explain the difference to me.

In looking through the Aesthetics/ Light and Clance Section 4.1, I could not find any night view simulations. I feel this a critical consideration. It is likely that buildings not obvious in the daytime would be extremely visible in the evening, especially along the ridge tops. Lighting inside of homes (windows) would be visible at night. All of these homes together will create a city look, rather that the existing rural view shed.

I could not find any scientific evidence to support the contention of "minimal impact" in 4.1-4. Especially when the Cumulative effects are taken into account.

"In comparison with the heavily lit areas on the west side of Interstate 5 (and to some extent at the institutional land uses east of the freeway), the Tejon Mountain Village site would continue to appear relatively dark. The project would have minimal if any impacts related to night glare that could effect astronomical observation sites in the Mount Pinos area and the Los Padres National Forest campgrounds due to the lighting restrictions required by the Design Guidelines."

I also feel this up-lighting will create light pollution:

"Uplighting of vegetation or structures would not be allowed if visible from adjacent
Comment Letter 25, Cont.

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residences or land uses.”

How can we be re-assured that the lighting requirements written into the DEIR will be incorporated into the CCR’s for TMV? I couldn’t find this in the DEIR.

Let’s take a look at some of Tejon’s current projects to see how they honor their commitments to our local Specific Plans regarding fully shielded fixtures. When we see how Tejon Ranch Corporation acts, as opposed to what they promise, we begin to understand why many of us are so frustrated and upset with the DEIR.
Comment Letter 25, Cont.

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25-H2

25-I2
Comment Letter 25, Cont.

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In reading thru the View Shed language, I was surprised at the approach. Language in the Frazier Park Specific Plan is very clear. Lebec is the Gateway to the Mountain Communities, so it’s appearance is important as a component of the eco-tourism model. We are working toward a sustainable future whose primary economic driver is eco-tourism. What will happen when the motorists passing by see a “suburban” view rather than a “rural” view.

I have created a DVD that shows the daytime View Shed of a normal drive on Route 5, north and south bound. I also included the drive east of Frazier Park Road to the 5 on-ramp and Lebec Road past the Highway Patrol. I was unable to park at the North Bound rest stop, an important area for potential tourism interest. It is important to take the time to watch these videos. They recreate the amount of time that a driver would be exposed to the views of TMV and the
“windshield space” of the view shed. Contrary to the opinions in the DEIR, these view sheds will impact our local economy and everyone who drives on Route 5 past the proposed TMV site. I challenge the idea that the only people who feel “ownership” of the view are local.

Residents tend to have much more familiarity with the existing views because of their sense of “ownership” as a visual extension of their property, and the investment they have in their property. Most of these viewers, however, are located at long distances from the site, generally at least 1 mile.

The DEIR does not take into account the “ownership” of Californians who drive Route 5 often, to go from Southern California to Northern California (and the reverse,) and Bakersfield and LA commuters. I don’t really understand how this can be quantified. Can the county explain how “ownership of the view” can actually be scientifically proven? I couldn’t find the scientific basis for this in the documents.

Thank you very much for considering our views.

Sincerely,

Eric Roy Anderson
Executive Board, TCW.

Past President, Mountain Communities Town Council

attachment: Synergy Summit
Comment Letter 25, Cont.

Printed From The Mountain Enterprise
2007-02-23

Mountain Gains New Allies for Ecotourism Development

By Patric Hedlund

It is a big number: 1.4 million people already come to these mountains each year to play, according to estimates provided at the Synergy Summit II Thursday, Feb. 15 at Cuddy Hall.

About 60 members of the Mountain Communities who are interested in the development of a sustainable ecotourism economy in this area participated.

That 1.4 million number is a rough compilation from statistics gathered by state and federal sources, including the U.S. Forest Service, Hungry Valley OHV Recreational Park and Ft. Tejon State Historic Park.

Local business operators, artists, residents and investors are meeting in the Synergy Summits to explore how to maximize economic development built on keeping the mountains natural. “Custace is closer than you think,” participant Jan de Leeuw recently wrote, referring to the eruption of proposed developments along the Interstate 5 Grapevine corridor which, if granted permits to grade millions of cubic yards of slopes to build housing, would morph this “Gateway to Kern County” permanently into a continuation of Los Angeles County sprawl.

Rick Davis of the Kern Board of Trade spoke of “Inventory, Infrastructure and Image” as the “three I’s” for setting up an economic development and marketing plan for ecotourism.

Inventory included quick reports from participants regarding the attractions that are already bringing such substantial numbers of visitors.

Fort Tejon’s Sean Malis estimated there are nearly 60,000 visitors annually to the historic Civil War-era
Comment Letter 25, Cont.

site, which is the first U.S. settlement in the mountains. The Fort’s Civil War reenactments draw 2,000
visitors a day.

Kim Matthews and Kathy Saunders of Hungry Valley OHV Park said their visitor figures range between
350,000 to 500,000 depending upon annual weather conditions. They added that $11-15 billion is brought
into the California economy each year through OHV recreation and that the sport has grown by 86% in the
past 25 years.

Hungry Valley has nine campgrounds and an abundance of natural and cultural resources. Saunders slides
ełoquently showed rare poppy fields, woodlands, trails, ancient oaks and wildlife.

District Ranger Tom Kuekes and Recreational Land Use Manager Karen McKinely said the 490,000 acres
of the Mt. Pinos District of the Los Padres National Forest serve a broad range of interests, from astronomy
to hunting, fishing, hiking, bird watching, off-road recreation, mountain biking, camping, and snow play,
bringing about 700,000 visitors annually.

Infrastructure and image enhancements to the Frazier Park area were the focus of comments by Cuddy
Valley’s Frank Maga, who spoke of Main Street Revitalization programs around the country. His principals
of organization, design, promotion and economic restructuring were quickly taken up by participants and
Kern County Supervisor Ray Watson, who discussed the $600,000 beautification and safety project which
will be brought to the community in April.

He said that cluster parking plus a more welcoming and walkable main street in Frazier Park are needed.

Richard Chapman of Kern Economic Development Corporation will be providing continued assistance with
marketing, and the March issue of The Mountain Pioneer will report in depth on his views. The Mountain
Communities Chamber of Commerce, Town Council, and The Mountain Enterprise sponsored the event.
Howard Galloway videotaped the conference and Coffee Cantina provided refreshments.
Comment Letter 25, Cont.

Craig Murphy, Supervising Planner  
Kern County Planning Department  
700 "M" Street, Suite 100  
Bakersfield, CA 93301-2370

Date 7/12/09

Dear Mr. Murphy,

The Air Quality and Climate Change section of the Tejon Mountain Village Draft Environmental Impact Report does not adequately describe the local air quality conditions, but actually misrepresents the truth on the baseline air quality conditions.

Under the title Environmental Setting 4.3.2 of Wind Patterns and Temperature it’s ex-
plained to the reader that due to wind patterns in the mountain regions, where the TMV project is to be located, these winds “quickly disperse air pollutants.” This is not only not supported by the air quality monitoring data in the DEIR that Tejon Ranch obtained with their own air monitor in the vicinity of the project in 2005-2007 (in addition to the monitoring that CARB did between 2006-2007 in Loebe), the air quality monitoring for ozone contradicts the dispersement idea of air pollutants. Actually, the air quality data supports a very poor baseline air quality for ozone for the specific region of the TMV project. The Tejon Ranch air quality data reflects very similar resulting data that was gathered by the air quality monitor in Bakersfield at the Golden State Hwy location or the Maricopa Stanislaus air monitor location during the same timeline. (Compare Table 4.3-6, and Table 4.3-7.) The DEIR mentions that the TMV project is in a non-attainment region for ozone, it not only doesn’t make clear that the non-attainment level for ozone is in the specific area of the project, but instead seems to want the reader to believe the pollutants are dispersed with the winds. Which is simply not true.

Another area of concern, the DEIR makes several references to the Voluntary Emission Reduction Agreement (VERA) in December of 2007 specifically made between Tejon Ranch and the San Joaquin Valley Air Pollution Control District (SJAPCD) for the TMV project to mitigate for the project’s air pollution emissions. Many community members were offended that the VERA was an agreement that the community members were not adequately notified about by either the air district or by Tejon Ranch, and, therefore the community members had no real opportunity to provide input on the agreement. In addition, community members felt that this agreement was made long before the DEIR was put together. Before the public or the air district would have any clear indication what kinds of emission reductions would be appropriate for the project.

Many community members also believe that the offsite projects that are now being discussed (and some have evidently been implemented) by the air district to reduce emissions through the VERA will not be anywhere near as beneficial to the current residents of the mountain communities in close proximity to the TMV project as would air reduction projects that would be sited on or near the proposed project. It seems reasonable that
the communities who will feel the first impacts of the project should have emission reduction projects from the VERA that will also impact their air quality directly.

The TMV DEIR states there will be reduction from VERA on criteria pollutants in the SJVAPCD. Although it is also stated that “Consistent with Section 15091(a)(2) of the CEQA Guidelines, lead agencies may not rely upon mitigation that is within the responsibility or jurisdiction of another public agency.” The SJVAPCD, not Kern County or the mountain communities, are in control of what measures are taken to mitigate the air pollution generated by the TMV project. So far other than what was presented in the TMV DEIR the mountain communities residents have not seen an outline of what projects the air district will implement to mitigate for the TMV project.

As community members we don’t feel confident that our already compromised air quality will not further degrade with such a large development that will double our current population when completed. We hope that our county officials understand and share our prospective.

Another area of concern that is not addressed in DEIR within the air quality section is mitigation for Toxic Air Contaminants (TAC). TACs are mentioned and it is acknowledged that diesel soot is identified as one TAC. It is also acknowledged in the DEIR that TACs cause cancer, birth defects and brain and nervous system disease. It also recognizes that there are no standard levels of safety for TACs because there are no known safe amounts of these contaminants.

It has been documented that over 12 diesel trucks drive through Lebec on Interstate 5 every minute. That makes for over 650 trucks an hour. With the TMV project the numbers will increase. Total vehicle traffic will increase substantially with this project. Its hard for our community to believe that the criteria pollutants like ozone and the TACs, like diesel soot, created by the increased emissions this project will create, will be mitigated by an offsite project somewhere down in the San Joaquin Valley.
Besides the Toxic Air Contaminants that will increase due to increased traffic on I-5, there are already baseline TACs that are a concern due to the close proximity of the company, National Cement, which burns petroleum coke and old tires for fuel. National Cement’s production emits several TACs into the Lebec air region. Dioxin, a known carcinogenic, is one TAC emitted by the cement company that is of special concern.

The population at the El Tejon Middle School just north/west of the TMV project site is mentioned as the only sensitive population documented in the DEIR. Local community members believe there are actually many other sensitive populations in the region that have not been addressed. There is a substantial number of elderly living in both Lebec and Frazier Park communities. The elderly are another population that are very vulnerable and should be considered when mitigating for a project that will increase air pollution. There is also approximately 200 mobile homes in two different trailer parks in Lebec within close proximity to the TMV project site. The residents in these trailer parks could easily be described as environmental justice (EJ) populations who EPA recognizes as populations who are disproportionately impacted by environmental degradation. There is already a large truck stop very near these 2 trailer parks, all of which are along the Interstate. Another potential newly created EJ community exposed to the air pollution within the TMV site would be service personnel who work within the project once it is completed.

A potential air quality mitigation project that was not discussed in the DEIR, but may have local impacts on reducing diesel soot would be to assist electrifying the large truck stop and rest areas in Lebec where 200 to 300 or more trucks can be seen idling for several hours during the evening in the region while the diesel truck drivers rest for the night.

The fact that approximately 10,000 additional people will be living in the mountain communities if the TMV site is built, could produce another sensitive senior population. But these seniors could increase their exposure to TACs or ozone because of the project’s outdoor activities due to the hiking, golfing, riding horses and other activities offered by the TMV facility that will likely increase the residents’ exposure to the region’s poor air...
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quality.

List of sensitive population groups within TMV and nearby region

1. El Tejon Middle School Students (approx 1 mile from TMV site).
2. Frazier Mountain High School Students (approx 1 mile from site).
3. Gorman Unified school students (Kindergarten - 8th grade - approx 2 miles from site).
4. Residents (EJ community) in the two Lebec trailer parks (approx ½ mile from site).
5. Low income service workers on TMV project site (possible mitigation - guaranteeing adequate health coverage for these workers).
6. Established senior communities in both Lebec and Frazier Park (½ mile to 3-4 miles from site).
7. TMV “active” senior residents on site.

Another sensitive population that was completely ignored in the Air Quality and Climate Change section of the TMV DEIR is the endangered species of the region. The endangered plants and animals of this region are already at risk due to the compromised air pollution in the region, the additional air pollution that the project will produce in addition to the stress of the other changes to the environment of the region for the endangered species could be very detrimental for continued survival.

Ozone has been documented to being potentially more damaging to plants than to humans. The wildflowers of this region which help support the ecotourism of the region may be an additional sensitive population.

Another issue involving air quality that was not mentioned in the TMV DEIR is the studies that support the detrimental effects of humans living near major freeways. Studies indicate that living near freeways can increase brain development problems in children, do long-term respiratory damage, increase heart disease, and possibly increase likelihood of premature birth for pregnant women who have long-term exposure to freeway emissions.

Air pollution at higher elevations and health effects are not discussed in the DEIR. One
known criteria air pollutant that can be harmful at lower levels in high elevation areas is carbon monoxide. California already has a stricter standards for CO pollution above 4000 feet, in particular in the Lake Tahoe area. Also see Michell et al, JAMA, 242, 1979. Carbon monoxide (CO) was measured at the Tejon Ranch air monitor site in Lebec, but those measurements did not exceed the current national or state safety standards for CO, but then there have not been standards set for higher elevations - although studies have documented that possibly less CO than what is safe at lower levels elevations is not safe at higher elevations due to less oxygen in the air. There hasn’t been adequate research to see what other pollutants may have a lower level of toxicity in higher elevations. This is something that should probably be researched before exposing a large group of people to an already comprised air basin. The same study that showed lower levels of CO have equally damaging effects when breathing in a high elevation region, also documented that combustion engines actually run less efficiently at higher elevations and emit more CO than what these same engines would emit at lower elevations.

The TMV the DEIR states from pages 4.3-201 through 4.3-204 several mitigation measures that have could provide a “requirement” from builders to reduce green house gas emissions in relation to building the project, but the proponent has only “encouraged” the builders to take measures to reduce these emissions. This lack of requirement will greatly reduce the likelihood of significant reductions. The proponent states on 4.3-208 “The project would not involve purchasing offsets to net-out all remaining GHG emissions from the project. Such a commitment would result in substantial costs that would render the project economically infeasible.”

Tejon Mountain Village isn’t providing needed housing for Kern County residents, but instead it would produce a development that is intended to provide luxury 2nd or 3rd homes for the very wealthy, and due to the proponents lack of willingness to require building measures that would guarantee reduced GHGs and their unwillingness to purchase the offsets needed to net-out the remaining GHG emissions - it is our belief that this project doesn’t represent smart growth for Kern County and this development should
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be denied until the proponents can incorporate significant air pollution and GHG onsite
or near-site reductions for emissions.

Thank you very much for considering our views.

Sincerely,

Linda McKay
Executive Board, TCW

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Craig Murphy, Supervising Planner
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Bakersfield, CA 93301-2370

Date 7/13/09
Dear Mr. Murphy,

RE: Joint Comments on the Tehachapi Upland Multi-Species Habitat Conservation Plan Draft Environmental Impact Statement and the Tejon Mountain Village Draft Environmental Impact Report (“DEIS/DEIR”). You may also receive a version of these comments from other environmental organizations. Note that part of these comments are relevant only for the DEIS for TUMSHCP.

We write to provide comments on both the Tehachapi Upland Multi-Species Habitat Conservation Plan (“MSHCP” or “Plan”) Draft Environmental Impact Statement (“DEIS”) and the Tejon Mountain Village (“TMV”) Draft Environmental Impact Report (“DEIR”). We appreciate this opportunity. After careful review, we find that the DEIS/DEIR fails to comply with the mandates of the California Environmental Quality Act (“CEQA”) and the National Environmental Protection Act (“NEPA”). It uses an improper baseline in the No Action/No MSHCP Alternative and does not accurately identify or analyze the significant environmental impacts that would result from black carbon emissions, construction and operations, global warming, or induced growth associated with the proposed Plan and TMV development. The DEIS also fails to provide feasible mitigation measures for air quality and global warming impacts.

The environmental review process is intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” It is especially important that the DEIS/DEIR—given the scale of the MSHCP and TMV—provides all the information required by CEQA and NEPA to enable decision makers and the public to understand the significant environmental impacts of the proposal.

I. The DEIS Fails to Use an Accurate No Action/No MSHCP Alternative.

1 Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal., 47 Cal.3d 376, 392 (1988).
The DEIS for the MSHCP is fundamentally flawed because it relies upon build out of "the ranch that would occur consistent with the Kern County General Plan" for its "No Action/No MSHCP Alternative." This masks the environmental impacts that would result from the MSHCP. Environmental review must determine significance in relation to an analysis of the physical conditions in the project area as they exist at the time of the notice of preparation. The MSHCP cannot rely on future conditions (i.e., build out of the General Plan) as a baseline. The DEIS's use of an improper baseline distorts the entire environmental review.

II. The DEIS/DEIR Fails to Consider the Impacts of Black Carbon Emissions.

a. The DEIS/DEIR Must Include an Analysis of Black Carbon Emissions.

The DEIS/DEIR fails to address black carbon, an important short-lived pollutant that significantly contributes to global and regional warming. Black carbon is produced by incomplete combustion: it is the black component of soot. Although combustion produces black and organic carbon, the proportion of black carbon produced by burning fossil fuels, is much greater than that produced by burning biomass.

Black carbon is a global warming pollutant for several reasons. 1) It is highly efficient at absorbing solar radiation thus heating the surrounding atmosphere. 2) Atmospheric black carbon absorbs reflected radiation from the surface. 3) When black carbon lands on snow and ice, it reduces the reflectivity of the white surface. This causes increased atmospheric warming and accelerates the rate of snow and ice melt. 4) It evaporates low clouds. Due to black carbon's short atmospheric life span and high global warming potential, decreasing black carbon emissions offers an opportunity to mitigate the effects of global warming trends in the short term.

Black carbon is considered a "short-lived pollutant" because it remains in the atmosphere for only about a week in contrast to carbon dioxide, which remains in the atmosphere for over 100 years. Furthermore, the global warming potential of

2 DEIS 3.2.2

black carbon is approximately 760 times greater than that of carbon dioxide over 100 years and approximately 2200 times greater over 20 years. It is estimated that black carbon is the second greatest contributor to global warming after carbon dioxide.5

Unlike traditional greenhouse gases, which become relatively uniformly distributed and mixed throughout the Earth’s atmosphere, black carbon holds a regional influence.

The impacts of black carbon on a regional level include both atmospheric heating, as discussed above, and hydrological changes. It is likely that the effects of Black carbon in California will be comparable to its effects studied in Africa and Asia.6 This includes intensified drought and reduced Sierra snowpack.

Black carbon has a number of negative health effects including an increased mortality rate,7 chronic bronchitis, blood pressure, and infant mortality due to pneumonia.8 These effects are in addition to the health effects associated with particulate matter, of which black carbon is one constituent.

b. The DEIS/DEIR Must Quantify Black Carbon Emissions.
Analyzing particulate matter (PM) is insufficient to address black carbon. PM refers to the particles that make up atmospheric aerosols including sulfates, nitrates, and carbon compounds. Because PM can be reduced through mitigation of other constituents of PM rather than black carbon as well as its’ significant effects on global warming and health, it is essential that black carbon emission reduction strategies be considered independently from PM reductions.

Methods are available to specifically quantify black carbon emissions. The DEIS/DEIR makes no attempt to quantify black carbon and this omission must

25-P3 Cont.

25-Q3

25-R3

25-S3


8 Id.


10 Schwartz J. Testimony for the Hearing on Black Carbon and Arctic, House Committee on Oversight and Government Reform United States House of Representatives (Oct. 18, 2007).
be rectified. Like greenhouse gas emissions, black carbon emissions from various types of engines and activities can be estimated through numerical calculations.\textsuperscript{9}

Considering the importance and ability of quantifying black carbon emissions, the DEIS/DEIR should be revised to incorporate an analysis of the MSHCP's contribution of black carbon.

III. The DEIS/DEIR Fails to Consider the Full Impacts of Construction and Operations.

\textbf{a. The DEIS/DEIR Must Include an Analysis of the Manufacture of Concrete for Construction.}

The DEIS/DEIR fails to consider the impacts associated with the manufacture of concrete which "accounts for roughly 3\% of California's greenhouse gas emissions."\textsuperscript{10} The Lawrence Berkeley National Laboratory and others have developed methods for analyzing the lifecycle emissions of concrete manufacture.\textsuperscript{11}

\textbf{b. The DEIS/DEIR Must Include an Analysis of Construction Emissions and Operational Emissions Combined.}

This project entails significant construction to take place over 20 years. Thus, construction and operations emissions will take place concurrently. Given the significant construction involved in the development of the MSHCP, the DEIS/DEIR must include an analysis of these emissions combined. Additionally, this analysis should include information on peak daily construction and peak daily operational emissions combined.

IV. The DEIS/DEIR Fails to Provide an Accurate Picture of the Project's Growth-Inducing Effects.

An EIS must discuss how the proposed project (if implemented) could induce growth, through directly or indirectly facilitating or removing obstacles to population growth or new development in the surrounding environment.\textsuperscript{12} This includes projects that: 1) foster economic or population growth or additional hous-


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An adequate growth-inducing impacts analysis should include: 1) estimating the amount, location, and time frame of growth that may occur as a result of the project (e.g., additional housing, infrastructure, etc.); 2) applying impact assessment methodology to determine the significance; and 3) identifying mitigation measures or alternatives to address significant secondary or indirect impacts. The MSHCP DEIS/DEIR fails to analyze the project's growth-inducing impacts; this must be remedied.

V. The DEIS/DEIR Fails to Adequately Set Forth the Threat of Greenhouse Gas.

a. The Greenhouse Gas Analysis and Associated Mitigation Measures Are Inadequate Under CEQA and NEPA.

The DEIS/DEIR's exceedingly cursory summary on Climate Change and Greenhouse Gases (3.3.7) is inadequate and fails to fulfill the informational requirements of CEQA and NEPA. Although the California Climate Change Center's

13 CEQA Guidelines § 15126.3(d).

14 40 C.F.R. 1508.8.

15 Id.
County of Kern

Chapter 7. Responses to Comments

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figures on projected warming scenarios are included, there is no discussion of what the consequences of those scenarios may be or how global warming will impact the state, the nation, and the world. An “EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects to be considered in the full environmental context.”\(^{16}\) The DEIS/DEIR should, at a minimum, describe the cumulative impacts of global warming on the environment and how increasing GHG emissions will affect those impacts. Furthermore, an EIS “must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published...or...at the time the environmental analysis is commenced, from both a local and regional perspective.”\(^{17}\) The DEIS/DEIR must be revised to adequately inform the public about the risks associated with increasing GHG emissions.

The DEIS/DEIR should include numerical estimates of the extent of projected impacts, including specific information about the projected impacts in California caused by GHG emissions. For example, it should describe that loss for the Sierra snowpack is estimated to be between 30-90%, depending on the extent to which emissions are reduced.\(^{18}\) Additional impacts projected for California by the end of the century include:

- Temperature rises between 3-10.5°F;
- 6-30 inches or more of sea level rise;
- 2-4 times as many heat wave days in major urban centers;
- 2-6 times as many heat-related deaths in major urban centers;
- 1.5-5 times more critically dry years;
- 25-85% increase in days conductive to ozone formation;
- 3-20% increase in electricity demand;
- 10-55% increase in the expected risk of large wildfires; and
- 7-30% decrease in forest yields (pine).

By detailing the range of proposed impacts and identifying that the higher-range of impact estimates are projected if GHG emissions continue to increase under a “business as usual” scenario, decision-makers and the public will be better in-

\(^{16}\) CEQA Guidelines, § 15125(c), (emphasis added).

\(^{17}\) CEQA Guideline § 15125(a).

formed of the magnitude of the climate crisis and the urgency with which it must be addressed. Furthermore, the DEIS/DEIR should consider supplementing its description of global warming impacts with data from the recently released report of the Committee on Environment and Natural Resources, the Scientific Assessment of the Effects of Global Change on the United States (May 2008).

Additionally, the DEIS/DEIR also fails to analyze the greenhouse gas emissions associated with “Plan-Wide Activities.” This is also required under CEQA.

b. The MSHCP’s Impact on Global Warming is Also Significant Under NEPA. Similarly, NEPA requires an EIS to “succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration.”¹⁹ Because climate change is serious, its impacts will be felt worldwide, and GHG emissions are cumulative in nature, the DEIS/DEIR must describe the affected environment in sufficient detail to convey the potential risks of increasing GHG emissions.

Although the DEIS provides some inventory consistent with the California Office of Planning and Research technical CEQA guidelines, it fails to recognize the significance of GHG emissions under NEPA. The Ninth Circuit in Center for Biological Diversity v. National Highway Traffic Safety Administration recognized the legal necessity of evaluating the cumulative significance of GHG emissions under NEPA, despite the absence of a quantitative threshold, stating “[t]he impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.”²⁰ “Thus, the fact that climate change is largely a global phenomenon that includes actions that are outside of [the agency’s] control . . . does not release the agency from the duty of assessing the effects of its actions on global warming within the context of other actions that also affect global warming. The cumulative impacts regulation specifically provides that the agency must assess the 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.”²¹

¹⁹ CEQA Regulation, §1502.15.

²⁰ 508 F.3d 508, 550 (9th Cir. 2007) (holding an EA inadequate for inadequate cumulative impacts analysis).

²¹ 508 F.3d 508, 550 (9th Cir. 2007) (holding an EA inadequate for inadequate cumulative impacts analysis).
Furthermore, by substantially increasing California’s existing emission levels, the MSHCP threatens the successful implementation of the California Global Warming Solutions Act (AB 32, 2006) and Executive Order S-3-05, which require reductions of current levels of emissions in California.22 Accordingly, a revised DEIS/DEIR must be prepared that adequately analyzes the cumulative significance of the MSHCP’s GHG emissions on global warming under NEPA.

VI. DEIS Fails to Provide Feasible Mitigation Measures and Alternatives.

The MSHCP’s DEIS must provide adequate measures for air quality (including black carbon) and greenhouse gas emissions. Some measures to be considered are included below:

- Use of Renewable Power for Electricity Generation:
  The feasibility of generating on-site and off-site renewable electricity generation should be explored. The MSHCP should consider and maximize the use of solar power as a self-generated source of renewable energy. The installation of photovoltaic panels on all buildings, parking lots or carports within the plan, as well as to houses, schools and buildings within the MSHCP could make a large impact on the amount of carbon emissions for the project.

  - Photovoltaic panels are a renewable, clean energy source that would provide 3.6 MWh/year per average household for 250 square feet of PV panels, saving approximately over 3,000 pounds of CO2 and over a thousand dollars per average household annually.23
  - The solar industry is one of the few construction sectors currently growing, with solar companies employing between 16,500-17,500 California workers and expecting to hire approximately 5,000 more in the next year. Most of these jobs are in installation, requiring

22 See 40 C.F.R. § 1508.27(10) (factor in significance determination includes whether action threatens to violate federal, state, or local law or requirements); see also Executive Order S-3-05 (June 1, 2005) (setting greenhouse gas emissions reduction targets for California); Control of Emissions From New Highway Vehicles and Engines, 68 FR 5292 (September 8, 2003) (affirming EPA’s recognition of climate change and the need to reduce greenhouse gases).

23 Assumptions: 50% capacity, annual usage is 7200 KWh/year, average electricity rate is $0.1738/KWh. [http://www.findsolar.com/index.php?page=rightforms](http://www.findsolar.com/index.php?page=rightforms)
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limited training and providing annual salaries ranging from $31,200 to $60,000.24

- Utilize Recycled Materials:
  Use of recycled materials will lessen the carbon footprint of the MSHCP. The
  DIES should commit to using recycled materials whenever possible in the con-
  struction and operation phases of the MSHCP.

- Construction Equipment:
  Equipment25 greater than 25 horsepower must:
  (1) Meet current emission standards26 and
  (2) Be equipped with Best Available Control Technology (BACT)27 for
  emissions
  reductions of PM and NOx, or
  (3) Use an alternative fuel.

- Preferential Contracting with Clean Truck Companies:
  Preferential contracting with the cleanest trucking companies for construction
  can provide incentives for additional air quality and greenhouse gas reductions.

- Diesel Trucks:
  On-road trucks used at construction sites, such as dump trucks, must:
  (1) Meet current emission standards, or
  (2) Be equipped with BACT28 for emissions reductions of PM and NOx,
  and
  (3) Any trucks hauling materials such as debris or fill must be fully cov-
       ered while operating off-site (e.g. in transit to or from the site).

- Generators:
  Where access to the power grid is limited, on-site generators must:
  (1) Meet the equivalent current off-road standards for NOx, and

   http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/05/10/BUGJ1V2YG3TL

25 Equipment refers to vehicles such as excavators, backhoes, bulldozers propelled by an off-road diesel internal combus-
   tion engine.

26 These standards are described in Division 3 Chapter 9, Article 4, Section 3423(b)(1)(A) of Title 13 of the California
    Code of Regulations, as amended. An explanation of current and past engine standards can also be accessed at
    http://www.diesnet.com/standards. Currently all new equipment is meeting the US EPA Tier II standards and most
    equipment also meets Tier III standards (all 100HP to 750HP equipment). Note that Tier IV standards would automatic-
    ally meet the BACT requirement.

27 Here BACT refers to the "Most effective verified diesel emission control strategy" (VDECS) which is a device, sys-
    tem or strategy that is verified pursuant to Division 3 Chapter 14 of Title 13 of the California Code of Regulations to
    achieve the highest level of pollution control from an off-road vehicle.

28 Here BACT also refers to most effective VDECS as defined by the California Air Resources Board (CARB).
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(2) Meet a 0.01 gram per brake-horsepower-hour standard for PM, or
(3) Be equipped with Best Available Control Technology (BACT) for emissions reductions of PM.

- Special Precautions Near Sensitive Sites:
  All equipment operating on construction sites within 1,000 feet of a sensitive receptor site (schools, playgrounds, etc.) should either:
  (1) Meet US EPA Tier IV emission standards or
  (2) Install ARB Verified "Level 3" controls (85% or better PM reductions), and
  (3) Notify each of those sites of the project, in writing, at least 30 days before construction activities begin. 25-I4

VII. A Revised Draft EIS/EIR Must Be Prepared and Re-circulated.

Due to the inadequacies highlighted above, the Tehachapi Upland Multi Species Habitat Conservation Plan draft Environmental Impact Statement and the Tejon Mountain Village draft Environmental Impact Report cannot form the basis of a final EIS/EIR. Additionally, the DEIS/DEIR states throughout the document that "[w]ithout additional detailed information about the specific nature of development that would occur, use of the default assumptions is appropriate." 31 Additionally, the significant impacts highlighted in the Tejon Mountain Village DEIS must be included in the MSHCP DEIS.

In order to address these defects and satisfy CEQA and NEPA, the MSHCP and TMV DIER must provide "significant new information" to adequately analyze environmental impacts and identify effective mitigation and alternatives. The DEIS/DEIR must then be re-circulated. This is essential "to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn there from." 32 An agency cannot release a draft EIR "that

25-J4

25-I4

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30 Sensitive sites are defined and described in the CARB Air Quality and Land Use Planning Guidelines, 2005; http://www.arb.ca.gov/va/lupg.htm.

31 Notification shall include the name of the project, location, extent (acreage, number of pieces of equipment operating and duration), any special considerations (such as contaminated waste removal or other hazards), and contact information for a community liaison who can answer any questions.

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hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review."

Thank you very much for considering our views.

Sincerely,

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Executive board
TriCounty Watchdogs

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Comment Letter 25, Cont.

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Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

After the current form of the DEIR has been withdrawn, or if that withdrawal is denied, many alterations have to be made to the document, including the following comments on the Biological Mitigation Measures.

1. **Community Team Task Force:** Because of the profound effects of this project on the local communities, and because of the private nature of the TRC and the isolation of the proposed gated community, public oversight will be difficult, if not impossible. Therefore it is recommended that a permanent Community Team Task Force comprised of local interested citizens be formed to conduct site visits and coordinate with the TMV Conservation Manager and other officials of the TMV Property Owner’s Association to ensure compliance with the biological mitigation measures. This Task Force would deal with all the biological mitigation measures – 4.4-1 through 4.4-46.

2. **CC&Rs:** The Conditions, Covenants, & Restrictions of the TMVPOA should be developed and presented as part of the CEQA EIR process. The biological mitigation measures refer to the CC&Rs in several places. For that reason, the development of these regulations should be part of the CEQA process. Biological mitigation measures to be addressed in the CC&Rs would include, but not necessarily be restricted to, 4.4-1, 3, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 36, and 37.

3. **California Condor:** The TMV developments would harm condors in many ways and would create a major threat to the recovery of the species. Tejon Ranch is and historically has been an essential part of condor habitat. Tejon’s supposed conservation plan fails to protect condors. Mitigation measure 4.4-6 proposes establishing artificial food stations. This concept is inconsistent with the recovery of the condor population for a variety of reasons. A group of respected condor biologists, including former leaders and members of the Fish and Wildlife Service’s condor research and recovery teams has rejected Tejon Ranch’s condor measures in both the Tehachapi upland Multispecies Habitat Conservation Plan and the
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DEIR for Tejon Mountain Village. Their input has been provided elsewhere. Biological mitigation measures involved include 4.4-1, 2, 3, 4, 5, 6, and 7.

4. Construction Regulations: Construction regulations should apply to all building construction and land improvement, not just the ‘backbone’ construction. These requirements would include all future private dwelling development. Refer to Biological mitigation measures 4.4-8 and 9.

5. Building Site Locations: All building sites need to be noted in the EIR. This is particular true for the large acreage lots, because the area of those lots outside the immediate structures has been included in ‘open space’ acreages. The exact location of these open space areas needs to be analyzed for environmental impact, and should be part of the CEQA process. Also, the request for a special plan to exclude the development from the Kern County General Plan 25% slope restriction should be denied. Refer to Biological mitigation measures 4.4-8 and 9.

6. Golf Course: It is recommended that the planned golf course(s) be required to apply for and obtain certification with Audubon International as a golf course sanctuary. This program will require implementation of water-saving measures, reduction in use of pesticides, herbicides, and fertilizer, increase the use of native planting and natural habitat preservation and development, and include environmental awareness and education program for the golfing community. The only other golf course in the local Mountain Communities, in Pine Mountain Club, has this certification. Refer to Biological mitigation measure 4.4-20.

7. Migratory Bird Treaty Act: Protective measures during the bird nesting season should apply to all species covered by the Migratory Bird Treaty Act, not just special status species. Refer to Biological mitigation Measure 4.4-22 and 27.

8. Castac Lake: Castac Lake must be included in the EIR. It was naturally an intermittent saline soda lake. Castac Lake is completely surrounded by the TMV Project. Castac Lake recently has been altered to appear as a perennial freshwater Lake. It is obvious that this was done by Tejon Ranch in preparation for TMV. TMV is advertised as a high-end recreational community. Castac Lake has been presented in promotional materials as one of the recreational components. Tejon Ranch, apparently, has bypassed all permitting processes to change Castac Lake into a year-round esthetically-pleasing freshwater lake, using local groundwater shared by much of the rest of the nearby mountain communities. Castac Lake, as it has been recently transformed in preparation for this Project, now has created new environmental issues. One detailed Biological Mitigation Measure (4.4.40) describes in great detail efforts to be applied to deal with the expected appearance of the bald eagle. This species might have been present during the winter at an intermittent lake, but certainly not as a breeding species. Castac Lake, as it has
Comment Letter 25, Cont.

TriCounty Watchdogs

been transformed without the benefit of the permitting process, has created environmental issues for the TMV Project. It is part of the Project. And it needs to be included in the CEQA process.

9. Regulatory Oversight: Continual oversight by the appropriate regulatory agencies needs to be a requirement for this development, both during the initial development, and in perpetuity. This oversight would deal with all the biological mitigation measures – 4.4-1 through 4.4-46.

10. Overall Integrated Environmental Plan: This DEIR lacks an overview approach to environmental protection. The proposed project lies within one of the most significant biological resource regions in California. Hardly in any other place in North America do five bioregions meet as they do here. The need for wildlife and wild plant corridors to allow gene flow is extreme in this area. The TUMSHCP casually promotes “take” on twenty-seven special status species. In the Biological mitigation measures, the special status species are scattered indiscriminately throughout the list of measures in no apparent sensible grouping or order, and with no overview. The project as proposed should be rejected on its failure to adequately acknowledge and mitigate for the intrusion into a major California natural resource area.

Thank you very much for considering our views.

Sincerely,

Lynn Stafford
Executive Board, TCW
Comment Letter 25, Cont.

TriCounty Watchdogs
...protecting mountain resources and communities in Kern, Los Angeles, and Ventura Counties.

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/12/09

Dear Mr. Murphy,

The TMV DEIR uses the Tejon Ranch Conservation and Land Use Agreement, which the authors abbreviate as the Ranchwide Agreement and we abbreviate as the TRCALU Agreement, as a substantial argument for TMV’s “less than significant” cumulative effect on special-status species. It says:

“Together with the Tehachapi Uplands development projects on the cumulative projects list, effects on special-status species may be regarded as cumulatively considerable.... The Ranchwide Agreement and TUMSHCP projects on the cumulative project list would result in substantial conservation for these species where they occur.... Taken together, the conservation proposed by the Ranchwide [TRCALU] Agreement and the TUMSHCP, and mitigation for special-status species proposed by Tejon Mountain Village would result in less-than-significant cumulative impacts to special-status species within the cumulative study areas .... [and] effects on special-status species throughout their range would also be less than significant. In fact, conservation and mitigation as proposed by the Ranchwide [TRCALU] Agreement, the TUMSHCP, and the Tejon Mountain Village project would likely benefit protection and conservation of special-status species within their range.” (DEIR 4.4-452)

This sounds good, but note that over 25% of the TRCALU Agreement’s conserved lands (62,000 acres out of 240,000) are slated to come from options to buy land (in the form either of purchased conservation easements or fee title) for a
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state park. In other words, this conservation will happen only if the State Wildlife Conservation Board and/or private benefactors contribute enough money to buy the designated land. If they do not contribute enough money to buy the land before the expiration of the options (Dec 31, 2011[6.3.a-d]), “there shall be no restrictions on the right to develop the Unpurchased Acquisition Areas nor any obligation to continue ranching and livestock management and wildlife management activities in the Unpurchased Acquisition Areas” (TRCALU Agreement 6.11). In light of this contingency, it would be unwise for the Planning Board to use this hypothetical 62,000-acre state park as mitigation without more knowledge of what the financial cost will be and how likely it is that some entity—and which entity—will pay it.

The financial cost will be high, for in several places, the TRCALU Agreement specifies unequivocally that the SWCB or other entities must pay fair market value. Section 7.2, for example, states that “in no event shall TRC have the obligation to consider or negotiate with respect to the sale of any interest in any portion of the Ranch at a price less than fair market value.” So intent is the Tejon Ranch Company (TRC) on getting fair market value that several pages of the TRCALU Agreement are devoted to an appraisal process (6.7 and Exhibit O) that will achieve this. One of the most telling specifications states that:

“The valuation of the Property must be based on an analysis of the highest and best use of the Property. The highest and best use conclusion must be clearly supported by market evidence. Sale or exchange to the United States, the State of California, or another public or nongovernmental nonprofit entity may not be an acceptable highest and best use without adjustment that takes into consideration any bargain sale or non-cash component of such transaction. The use to which the government will put the property after it has been acquired is, as a general rule, rarely the highest and best use.
use, and often these properties will be conveyed through bargain sale” (Exhibit O-12.1).

“Highest and best use” appears to mean the opposite of “non-profit,” which is the use to which the government generally puts property acquired for the public good. Later specifications make it clear that the property should be appraised as if it were going to be developed:

“The value of a conservation easement should not be reduced by reason of the existence of any restrictions on the transfer of such conservation easement which is designed solely to ensure that the conservation easement will be dedicated perpetually to conservation purposes” (Exhibit O-13.2). “If practical,” section 13.3, continues, “estimate the value of the land as though vacant and available for its highest and best use.”

There is a danger that if the Planning Board grants a permit to TRC to build TMV, the price for the land that could compose a future state park will be even higher than today’s “fair market value,” for its potential for profit, its “highest and best use,” will increase with the precedent set by the first development. This precedent will give a “factual foundation” for an appraiser’s opinion of a reasonable probability of a zoning change” (Exhibit O-12.3). A higher price for the acreage of course makes it less probable that a state park will actually come into being and that the land will be conserved.

In addition to the uncertainty of the park’s ever coming into existence, there is a further obstacle to TRC’s ability to claim that these 62,000 conserved acres can be used a mitigation. If TRC sells the land to the SWCB for fair market value, it cannot use the preservation of the land as mitigation for harms caused to the environment by development. According to the California Environmental Protection
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Agency, in its May 1, 2008 letter to Robert Stine in support of the TRCALU Agreement, TRC would not be allowed to use “the portions of the Conserved Areas...acquired using public funds...for mitigation purposes...unless the potential mitigation use of these lands is taken into account in the price paid” (p.2).

Given the contradiction between this statement and TRC’s demand for “fair market value,” it seems clear that the potential 62,000 acre state park offered as part of TMV’s mitigation cannot in fact be used as mitigation.

Therefore, we request that the Planning Board not consider the 62,000 acres as mitigation. Second, the Planning Board should make any permits contingent upon TRC’s donating—rather than selling—the 62,000 acres for a state park. Finally, if despite all the harms to water, air, wildlife, and quality of life that TMV will bring to the current residents of the area the Planning Board intends to grant permits to TRC for TMV, we request that it at least delay doing so until all appraisals for the conservation easements are in and accepted.

Thank you very much for considering our views.

Sincerely,

Katherine King, Ph.D.
Executive Board, TCW

TriCounty Watchdogs
...protecting mountain resources and communities in Kern, Los Angeles, and Ventura Counties.

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

TriCounty watchdogs would like to submit the comments below on the “Cultural Resources and Paleontology” section of the DEIR for Tejon Mountain Village. Although what you present is more or less the standard revisionist version of local history, we think it is important to point out various mistakes and blantly biased formulations. We will limit myself to the first eleven pages, the historical section, because we are sure the Chumash and Kitanemuk will have plenty to say about the remaining sections.

Let us repeat that the county did not give us enough time for extensive study and commentary on the DEIR and its appendices, and that the county willfully made the public’s task of commenting more difficult by issuing various large DEIR’s simultaneously. If we had been given enough time, we could have found many more mistakes and distortions.

p 4.5-6, par I. When Beale started forcing indians to move to the Sebastian site he gathered people from many tribes. Thus it is not correct to state that the TMV site was used only by Kitanemuk, Interior Chumash, and Tataviam. Also remember that the June 10, 1851 Treaty D, that promised 500,000-700,000 acres to the local tribes, was negotiated on the Tejon with eleven different tribes.

p 4.5-7, line -8. There are plenty of indications, such as the excavations by David Jennings and the fish bone studies by Jean Hudson, that indicate Kashtiq was a
Comment Letter 25, Cont.

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commercial center. We have seen the Jennings collection in the Santa Barbara Museum and it is quite impressive. It is incorrect to assert that "historic occupation of Tejon Ranch by Native Americans was heavily focused on large villages at or near the San Joaquin Valley floor". This may be convenient to put in the TMV DEIR, but is unsupported. There were no "large villages" after 1800, not in the Grapevine and not at San Emigdio. We do not know how many people lived in Kashaq. We do know there were enough to have a separate dialect (Castac Venturenio) named after them.

p.4.5-7, line 13. It is not true that Kashaq was the only known and named highland village in the Tejon area. There was the village of Sujuijos in the Los Alamos area.

p.4.5-8, line 20. Pedro Fages passed through the Canada de las Uvas. Use of "Tejon Pass" is confusing unless one indicates if the old or the new Tejon Pass is meant.

p.4.5-8, line 16. Your ligatures are showing. There is no Cañada de las Uvas.

p.4.5-8, line 11. Fremont insisted on being spelled Frémont. Let us give him at least that. Although it is true that both Canson and Godsey were guides for Frémont, they were not guides simultaneously. In 1830 Frémont was still in school in Charleston, not anywhere near the Tejon. There is no Alex Godsey. That Frémont spent the winter of 1847-1848 on Tejon Ranch is obviously absurd. Frémont was court martialled and jailed for mutiny in August of 1847. There was no Tejon Ranch in any sense of the word until 1865, in 1847 the Rancho El Tejon still belonged to Aguirre and Del Valle. It is true that Frémont bought the Mariposa in 1847, but he did not spend time there until later. Although these facts are not really relevant for the TMV DEIR, It is embarrassing to get them all wrong.

p.4.5-9, line 26. It is nonsensical to say that "During the late 1840s, old California's cattle ranching industry began to decline". Old California, in the sense of
Mexican California, did not exist any more, and did not have a “cattle ranching industry” in the first place. The five local Rancho’s were never used for cattle, or for anything really, just for land-ownership and sale. The California cattle industry, driven by the dynamic duo’s Miller-Lux, Haggin-Tevis, and Beale-Bishop, was about to take off on the former Ranchos.

p 4.5-9, line -15. “Beale was both sympathetic toward and honest with his Indian charges“. Yes, in the same way as Thomas Jefferson and many plantation owners were sympathetic toward and honest with their slaves. This is a highly controversial statement. Beale was a shrewd businessman and a social climber. He gave up his Navy commission to get a lucrative federal job, using his connections with Frémont and Benton. After failing to become US Marshall and US Senator, he accepted the job of Superintendent of Indian Affairs. Beale was not a racist, and a friend of some individual indians, especially if they served him loyally.

p 4.5-9, last par. Beale proposed to replace treaties, which actually gave land to Indian tribes, by military reservations belonging to the state, were indians could be taught to become self-supporting. He took the idea from B.D. Wilson, who took it from the Spanish missions and the southern plantations. That was why there had to be a fort, because it was a military reservation.

p 4.5-10, line 1. No claims were needed. The Rancho El Castac was granted to Corrubias in 1843, and this was known when the reservation was established. In 1860 the land already belonged to Bishop and Beale. Around 1862 Beale, then Surveyor General for California, also had Rancho El Tejon surveyed at federal expense. The reservation was terminated because there were very few indians left, and because there was widespread corruption and forced labor practices (mostly by Bishop and Godey). See the investigations by Ross Browne.
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p 4.5-10, line 7. It would be relevant here to mention that Beale in 1863 became incensed when the government wanted to settle 800 Paiutes on the old reservation site. Once he had established title to the land, he became much less of a friend to the indians. And that in 1922 the Title Insurance and Trust Company, an early incarnation of Tejon Ranch Company, was sued by the California Attorney General for forcefully evicting indians from their homes in Tejon Canyon. Native Americans continued to exist on Tejon Ranch, sure, provided they worked for Beale, Bishop, or Godey.

25-H6

p 4.5-10, par 2. The charges were not shown to be invalid. Unless you count the fact that Beale started a fist fight with his former supervisor, and won, as proof of innocence. The committee, consisting of Henley and Ross Browne, found Beale innocent of fraud, but guilty of gross negligence, administrative incompetence, and of wasting huge amounts of federal dollars. One gets the impression that the county and its consultants get their information about Beale mainly from the fawning biography by Bonsal, which was commissioned by Truxton Beale.

25-J6

p 4.5-10, line -12. Tejon does not have any livestock operations.

25-K6

p 4.5-10, line -9. The $65,000 for Rancho El Castac seems quite a bit of money. It looks as if Beale paid a fair price. But this sale included 10,000 head of cattle, the buildings of Fort Tejon, and the results of $300,000 federal investment in the Sebastian Reservation.

25-L6

p 4.5-10, line -8. Beale “adjusted the boundaries” of the rancho’s when he was US Surveyor General for California. One could call this corruption, if one was so inclined.

25-M6

p 4.5-11, line 6. There is no Truxton Beale. The name you were groping for was Truxton Beale.

25-N6
If we can find time, we will gladly go over the remaining pages of Section 4.5, and the corresponding Appendices. We hope the analysis so far indicates there any many errors of fact and of omission, and that you have uncritically copied the rosy picture of Beale promoted by the Beale family and the Beale fortune. To restore a fair and balanced view of the local history we suggest you read George Harwood Philips, Bringing Them Under Subjection, California’s Tejon Indian Reservation and Beyond, 1852-1864, University of Nebraska Press, 2004 and Gerald Thomson, Edward F. Beale and the American West, University of New Mexico Press, 1983.

Thank you very much for considering our views.

Sincerely,

Jan de Leeuw Ph.D.

Executive Board, TCW

Distinguished Professor and Chair, UCLA Department of Statistics

Director, UCLA Center for Environmental Statistics.
Comment Letter 25, Cont.

TriCounty Watchdogs

...protecting mountain resources and communities
in Kern, Los Angeles, and Ventura Counties.

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

In regard to the Frazier Park Estates, Tejon Mountain Village, ..., and Centennial.

These proposals should have no support whatsoever. If the above-noted developments slated to be built in the Tejon Pass area were to become realities it is estimated that 100,000 persons would be put at more than considerable and absolutely unnecessary risk of loss of life and property.

The Tejon Pass area, part of the Southern California region analyzed for earthquake probability, is considered as at a very high risk for a large quake on the San Andreas fault within the next thirty years. The San Andreas in the southern region has been given the highest probability number for earthquake action, 59% for 6.7 and higher quakes within thirty years.

What might happen when such a quake occurs? Here is the quote from an interview given by Lucy Jones, USGS on PBS, and still supported completely by Ms. Jones this year.

The most likely (big) one for Southern California is the San Andreas fault, say, from the Salton Sea up through Palm Springs, through Beaumont-Banning area, up through Riverside-Redlands, San Bernardino, Wrightwood, Palmdale, up to Fort
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Tejon. That's two hundred fifty miles. That's a section that we think has gone coherently in the past producing one magnitude 8 earthquake. **Anywhere within ten or twenty miles of the fault from Fort Tejon all the way down to the Salton Sea is going to be as badly damaged as the worst part of the San Fernando Valley in the 1994 earthquake.**

Add to this the possible force created if movements on the Garlock Fault, which runs down the middle of the proposed Tejon Mountain Village, would be trigged by a big jolt from the San Andreas and/or vis a versa.

Knowing this high risk it makes no sense to allow such large housing projects to...
be established in this area. However, if Tejon Ranch Corporation persists in continuing their efforts for their plan the following must be done:

The EIR needs to include and/or provide complete detailed information on the following:

1. Full description of natural surroundings proposed for home sites should be indicated now. Included in descriptions should be actual vegetation, geological conditions, grading plans, landslide potential, infrastructure plans.
2. Soil conditions as related to likely seismic effects needs to be specifically detailed.
3. Evaluation by trained geologists not associated with commercial providers of means proposed for site preparation: type of structures, densification, grading plans, areas from which materials from tejon lands will be used in preparing house sites, etc. Primary question to be answered: will these means be adequate to protect homes built on soils designated as their sites that are located in high mountain areas?
4. Full outline of plan for providing infrastructure for homes (roads, water, electricity, etc.) from time first home is built.
5. Full development of CC & R's for the homeowners association must be provided. These CC&R's should be open for public comment and binding forever.
6. Description of what prospective homeowners need to agree to become a homeowner.
7. Description of liability of homeowner, Tejon Ranch Corporation, and county if earthquake occurs and causes damages to constructions and life
8. Descriptions need to be more than "will monitor". Full protocol of different monitors must be described.
9. Plan that provides monitoring of the monitors must be described.
10. Full description of what will happen to be a homeowner who will not follow
the CC&Rs.

11. All the map work to be done according to Kern County policies should be done before any houses are begun. These policies include mapping on sites all known geologic hazards, investigate geological and soils engineering, try to establish effective hazard mitigations, and so. (DEIR, pp. 4-6-17-18).

12. Aversion program. Putting a community smack in the middle of the condor range is quite different than condors coming to areas twenty miles away.

All of the above should be done before any approval is given. Otherwise, there is too much “flexibility” granted to the proponent which could easily lead to no effective oversight on anything.

In addition to the earthquake predictions viewed and reviewed by many esteemed geologists, there are all the other areas of impact concern which surely will be presented to you: protection of the condor foraging lands, adequate protection of known and unknown endangered species, wise (and maybe not acknowledged legally) drain on area groundwater for a lake creation on Tejon lands, and all the generally acknowledged negative effects of uncontrolled sprawl such as traffic increases, air pollution increase, unnecessary and serious damage to natural areas and so on.

So one has to ask, why have these development proposals been allowed to go so far? Is any real public need served if these projects are allowed?

There is no low cost housing included, there is no assurance of above minimum wage permanent jobs, there is no further support of local health care institutions. There is no way to calculate exactly the potential damage to a unique large natural area located in one of the ten natural world’s hot spots and needing special protections from human impacts. Then there is the potential burden on all the
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taxpayers who will not benefit directly from these projects but who will have to pay for the costs of and above what is promised by the proponents of increased traffic, effects of increased air pollution, and increased need for public services such as fire, police, health as well as the uncertain costs increased by the probable actual occurrence of a big earthquake on an increased size of population. It could well become the Tejon Fiasco, comparable to Katrina.

One official said something to the effect “Now we are paying for the sins of the past…” That remark could surely be repeated with sighs of deep regret and much anger by future decision makers if these unnecessary projects are permitted.

Thank you very much for considering our views.

Sincerely,

Mary Ann Lockhart
Executive Board, TCW

attachments:
Shaking All Over
The proposed developments in the Tejon Pass and Grapevine are in an area of the state (and thus of the country) with the highest earthquake hazards. The San Andreas, Big Pine, Garlock, and White Wolfe faults meet here, and there are numerous smaller documented faults and probably many invisible thrust faults. It seems that if you want to maximize the probability that your abode will be hit by a major earthquake in the next 25 years, then, by all means, buy one of the environmentally friendly mansions on Tejon Ranch. You’ll feel the earth shake under your feet.

Just to give you an idea, I’ll review the effects of some of our most popular quakes. There is more information on my local quakes page.

On January 9, 1857, there was the Fort Tejon Earthquake, now estimated to be of magnitude 7.9. It is considered by many geologists to be the largest California earthquake in historical time, together with the 1906 earthquake that devastated San Francisco. The average slip along the fault was 13 feet, the maximum slip at Carrizo Plane was 30 feet. A fissure of 20 feet wide and 40 miles long was formed, but it closed with such force that it became a ridge 10 feet wide and several feet high. The Kern River’s flow was reversed and it ran upstream for a while. This may have been a “double earthquake”, because the Elkhorn Thrust in Carrizo may have slipped along.

The Tejon Pass Earthquake was October 22, 1916. It is now estimated to be of magnitude 5.6. The epicenter may have been in Cuddy Canyon or in Little Cuddy Valley. The quake was on the Lockwood Valley fault, previously thought to be a part of the Big Pine Fault, and possibly on the San Andreas. Although this was only a moderate quake, there was considerable ground movement.

At the old Cuddy homestead in the south branch of the canyon we found the most marked evidences of the earthquake that we discovered on our trip. Here we found a crack along the upper edge of the morass which was from two to six inches wide and about one hundred and fifty foot long, and which did not vary as much as a foot from a straight line.
Comment Letter 25, Cont.

And then, on July 21, 1952, we had the Arvin-Tehachapi Earthquake, the strongest since the 1806 San Francisco quake, at a magnitude of 7.7. The small and until then unimportant White Wolf Fault broke. There was a differential uplift of as much as 2 feet in the Tehachapi Mountains south of Wheeler Ridge, and a rise of 4 feet has been documented near Tehachapi. The Ridge Route was blocked in several places between Castaic and Grapevine. There were many large landslides. The alluvium on the Valley floor cracked in many places. Depth-to-water in wells fluctuated by up to 7.5 feet, flows of many streams increased. A number of gapping furrows 6 inches wide and 200 feet long near San Emigdio Ranch house were formed. The quake triggered some movement on the Garlock Fault. Four tunnels of the Southern Pacific Railroad were destroyed.

Of course the San Andreas fault is the Big Kahuna in all this. We quote Weldon, Fumal, Blacic, and Scharrer in a recent paper in Science:

> The current 148-year hiatus is probably not exceptional. However, no lull in the past 1600 years appears to have lasted more than ~200 years, and when the current hiatus ends, a substantial portion of the fault is likely to rupture, either as a single long rupture or a series of overlapping ruptures in a short time interval.

In the 1990 dissertation of Xiaolin Zhao we see how active the San Andreas and Garlock are. The slip rate on the Garlock was estimated to be between 5 and 30 mm per year, with the most likely value being around 10. The slip rate of the San Andreas in Cuddy Canyon is 30-60 mm per year, which is close to its upper bound, because that is how fast the two plate boundaries are moving with respect to each other.

read more.
Comment Letter 25, Cont.

TriCounty Watchdogs

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

I am a resident of the Frazier Park area and have serious concerns about the lake portion of the Tejon Mountain Village project.

The modification of Castac Lake for the Tejon Mountain Village development is a major alteration of the natural environment and therefore must be analyzed in the DEIR. Without an analysis of the environmental impact of the Castac Lake modification the DEIR is incomplete and therefore fatally flawed.

After listing the lake as part of the project in the notice of preparation of the draft environmental impact report, the project proponents subsequently removed the lake and claimed that it is no longer a part of the project.

Clearly, not only is the lake a part of the project, it is the centerpiece of the project. In fact, the principal recreational and commercial components of the development encircle the lake and are immediately adjacent to it. Please refer to Figure 1-3 in the DEIR.

Tejon Ranch Company president, Bob Stine, introduced the Tejon Mountain Village project to local residents at a community meeting at Frazier Mountain High School in December of 2003. As Mr. Stine began his remarks on TMV he immediately started talking about the lake and the cost and difficulties of modifying it, and its importance to the project.

Here is what Mr. Stine said:
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"Tejon Mountain Village is the name that we’re calling this third concept, Tejon Mountain Village. And it’s generally the area near Castac Lake, in an area somewhere in this range. [He points to a map] There is one main road that goes in next to the lake that was built by the Department of Water Resources when the aqueduct was built back in the late ’60s, ’70, when it opened, so we have a main, primary artery going through. It is the only paved road inside the ranch.

And the planning area is in this area right here. The concept is a boutique, hotel, resort hotel, golf course, estate lots, some activity around the lake. Low, low impact on the lake. Kayak, canoe, no motors. You gotta windsurf, no motors. No gasoline engines. The lake is very, very sensitive.

Those of you who have lived here for a while know that back in ’90 and ’91, the lake went dry. In the past five years we have spent nearly a million dollars in the lake. You might say, “What the hell are they thinking?” We have spent a lot of money- we have had hydrologists, limnologists, ecologists that I can’t even pronounce helping us to understand the source of the water, the inflows, the outflows, the depth, the quality of the water.

Sometimes in the end of the summer it gets so alkaline that the bass turn upside down and we’re losing them. We’ve put in an aeration system in the last couple of years. We started it in one corner to see if we could really oxygenate and take care of and protect the lake. It’s been far more successful than we thought it would be, and so we’ve actually expanded that a little bit, working with various biology people and the appropriate state resources in terms of permits, to make sure that the lake not only gets better all the time, but that the son of a gun doesn’t go dry and just be an alkaline, ugly spot. So, it’s an important part of that component."

So, clearly, in TRC’s own words, the lake is a part of the project. A video of this presentation can be viewed at

http://www.youtube.com/watch?v=10gPLuhTbeY.

The Natural Condition

Castac Lake in its natural condition is an ephemeral saline sag pond. It filled to a certain degree each year from runoff and direct precipitation and then evapo-
rated. In years of very high rainfall the lake could fill completely and spill over to Grapevine Creek. These are rare events. Many years the lake goes to complete or near-complete dryness leaving the salts behind.

The natural condition is well documented. For example,

From: William P. Blake, Geological Report,
In: Reports of Explorations and Surveys
to Ascertain the Most Practical and Economical Route
for a Railroad from the Mississippi River to the Pacific Ocean
Made under the Directions of the Secretary of War, 1853-4
Volume V, Washington D.C., 1857

Mr. Blake wrote on September 30, 1853, on p. 47-48 of his report,

“Salt pond, or Casteca Lake (dry). — At the eastern end of the grassy plain the path deflects towards the south for a short distance, and then again extends east and west. A narrow path or trail, however, extends over the hills in a more direct line, and passes by the dry bed of a small lake or pond whitened by a solid incrustation of salt. This salt had evidently been left by the evaporation of water, which probably collects there to a depth of several feet during the rainy season. The salt forms a perfectly white crust, in some places two or three inches thick. It looks like a snow-field, and bears a strong contrast with the dark green foliage of the oak timber growing near the shore. The winds, as they course along over this smooth unobstructed surface of salt, loosen large quantities and throw it into drifts, or raise it in clouds and small whirlwinds, that dance lightly from shore to shore and fill the air for a great distance to leeward of the lake, distributing it in a fine powder over the adjoining hills, and salting whole acres of vegetation.

This salt is probably derived from the Tertiary settlements that abound in the vicinity, and is dissolved out by the percolation of surface water and by springs. As the lake is a common receptacle for the drainage of a large surface of this formation, and has, apparently, no outlet, it is doubtful the case that this quantity of salt has been gradually accumulating; the waters becoming annually more and more highly charged, and consequently a larger quantity of salt crystallizing with each successive evaporation.

In this way, interior fresh water may gradually become salt, merely from the supply
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received from the strata of a recent marine formation, and not necessarily from the evaporation of a large body of salt water left by a retreating ocean.

I found that the salt of this little lake was exceedingly bitter and nauseous; probably owing to the presence of a large proportion of chlorate of magnesium. Plants, similar to those that flourish luxuriantly on the seashore, were growing around the margins of the lake-bed. A specimen of the plant most abundant at the border of the salt is, according to Dr. Torrey, Salsola caltrififormis, of the natural order of Chenopodiaceae. I also obtained a species of Salicornia, apparently S. fruticosa.

Although the lake is small and insignificant, compared with the salt lakes of the Great Basin, it is a good illustration of the formation of beds of salt."

In more modern times, from the 1997 "Tejon Lake Hydrology Study" by Trihey and Associates:

"Castac Lake (hereafter referred to as Tejon Lake) has historically experienced significant fluctuations in water surface elevations from year-to-year, as well as fluctuations between seasons within any given year. Interviews with long-time residents who are familiar with Tejon Lake indicate that there have been long periods when the lake as been almost "bone-dry". At other times, such as in the 1930's to the mid 1940's, the lake-level has been sufficiently high to completely submerge an air force training plane which crashed in 1943. Beginning about 1994, Tejon Lake filled to its highest recent stand since the mid-1940's (Mr. Francis Atana, Mr. Marcin Barnes, pers. comm.) and the lake's water surface elevation has remained fairly constant to present-day."

The natural Castac Lake is a unique, saline environment that cycles between aquatic and terrestrial habitat, depending on time the time of year and amount of rainfall in the previous rainy seasons.

The Unnatural Condition

The DEIR states that, "Since 2001, the Tejon Ranch Company has maintained the lake surface at approximately 3,503 feet by discharging groundwater into the basin." In so doing the natural, ephemeral saline aquatic environment has been converted to a year round freshwater aquatic environment. The area extent of the lake has been
increased from a typical high of 250 acres to 380 acres or more. This alteration of the natural environment has numerous impacts to the environment that must be analyzed in the DEIR.

**Water Quality**

It is obvious that there will be difficulty maintaining water quality in the lake through sustained periods of low rainfall. From PACE 2006, the following graph illustrates the more or less steady rise in salinity in the lake until the unusually high rainfall season of ’04 – ’05. From the graph, there was an estimated 38% increase in salinity from April ’01 to September ’04 (just three and half years). This occurred in spite of the fact that one of the winters, ’02 – ’03, was an above average rainfall season.

**Figure 29 - Total Dissolved Solids (TDS) Concentration versus Time for Tejon Lake**

Toxic trace elements would be expected to increase in the lake water as salinity. An extensive field study was conducted in the Castac Basin in the late 1960’s. The data was published in a 1968 UCLA PhD dissertation titled, “Anomalous Distribution of Toxic Soils in the Castac Valley, California. A Study Based on Soil-Chemical Ce-
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gography, Geology and Geochemistry” by Edward Laskowski. This study examined the sources of toxic trace elements found in high concentrations in the Castac Lake water. Extensive soil sampling was conducted in the surrounding watersheds. The analysis showed that the source of selenium, copper, zinc, boron and manganese was the soils and parent materials surrounding the lake. He found high concentrations of these elements in rain runoff going to the lake. Dr. Laskowski also did qualitative analysis of Castac basin waters looking for the presence or absence of other elements and found that lead, molybdenum, tin and vanadium were present. Uranium is known to be present in area well water at concentrations approaching drinking water limits.
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The USGS study, "Geologic Studies of Mercury by the U.S. Geologic Survey", shows sources of mercury in California on a map (above). The map depicts a formation in the TMV area as a neogene volcanic field and is labeled on the map "San Emigdio". The DEIR must determine the extent and mercury content of this formation and the soils formed from it, and how runoff will impact downstream water bodies. There was a Castaic Lake bass tissue mercury content reported in the DEIR showing elevated levels. That sample was taken while salinity was relatively low and the lake modification had only been underway for a year. A more extensive sampling must be done while salinity is high to properly assess the bioaccumulation of mercury in the lake.

TRC's consultant, Andrew Komor, of Pacific Advanced Civil Engineering reported on water quality and other parameters of "Tejon Lake" in a presentation titled "Monitoring, Modeling, and Management of a 400-acre Natural Lake" given at the 2003 Headwaters-to-Ocean conference in Long Beach. Mr. Komor reported relatively high concentrations of aluminum (300ppb), zinc (100 ppb), arsenic (>100 ppb), and manganese (> 150ppb). He also reported what he termed "moderate" concentrations of selenium.

Trace elements pose unique environmental hazards. The EIR needs to look at trace elements in several ways: 1) A thorough analysis of trace element concentrations in the lake water and shallow sediments over time must be conducted. Samplings should include a multi-year drought period or simulate a multi-year drought when groundwater for lake replenishment becomes unavailable. These analyses should include all of the elements named above plus any elements of potential concern, including mercury, lead, tin, molybdenum and uranium. 2) The EIR must determine the present risk to the environment, including flora and fauna compared to the lake's natural condition. This assessment must consider numbers of wildlife at risk. The large, freshwater "Tejon Lake" is obviously more attractive to more species in higher numbers than the smaller, natural, saline Castaic Lake. 3) It must determined whether present-day or future potential toxic trace element concentrations exceed water standards for wildlife. 4) Each element of concern must be evaluated individually for its relative effect based on its chemistry, its toxicity to wildlife and known fate in aquatic ecosystems. For example, selenium is known to bioaccumulate, or concentrate as you move up the food chain. The Kesterson Wildlife Refuge was shut down due to selenium concentrating in migratory birds and causing deformities in hatchlings. 5) The EIR must include a study of tissue samples of flora and fauna found in the lake collected at
the end of the wet season and at the end of the dry season to determine how the trace elements named above are affecting wildlife. Sampling should include a cross section of species through the food chain, in sufficient numbers of individual samples to be statistically valid.

Migratory birds will be attracted to the modified Castac Lake, probably in high numbers. The EIR needs to determine how the presence of potentially toxic levels of trace elements may affect migratory birds and whether the project violates the Migratory Bird Treaty. The EIR should include a plan for management of migratory birds that includes hazing or other scare tactics to prevent nesting if selenium or other toxic elements pose a risk. Elevated risk for selenium exposure in aquatic ecosystems is 5 parts per billion. U.S. Fish & Wildlife should conduct bird counts, nest counts and egg viability and tissue trace element analysis to determine present-day risks to migratory birds. And the EIR must evaluate future risk based on the analyses mentioned above.

By keeping the lake basin full, the natural flow in Grapevine Creek is altered, along with its water quality and the groundwater hydrology of the Grapevine Creek basin. It follows that the impacts on Grapevine Creek also impact the species that live there. The modified lake likely impacts the water quality of Grapevine Creek and there some evidence of this in the DEIR Appendix I, which show that water quality in Grapevine Creek is poor near the lake and improves at downstream sampling sites.

**Increased Flood Hazard**

In its natural state the Castac basin functioned as a catchment for floodwaters from the surrounding creeks. It is important to understand how the lake modification increases the threat of flood damage down slope. Under natural conditions Castac Lake was much smaller in area and volume than the modified lake and it evaporated to varying degrees of dryness each summer. By the start of the rainy season each year the basin was only partially full or completely dry and could accept and store the flood waters from Cuddy Creek. All present downstream facilities were constructed assuming these natural conditions.

Now Tejon Ranch Company is artificially keeping the lake basin full with groundwater, so stream waters reaching the lake cause overflow, sending water directly down Grapevine Creek toward El Tejon School, Ft. Tejon State Park, and...
most importantly, Interstate 5. As a result, in high rainfall and snowmelt events flood damage will occur, as happened February 2005 at Ft. Tejon State Park. In that event Grapevine Creek undermined and scoured away a significant portion of the Ft. Tejon parking lot and inundated the park headquarters area, shutting down the park for six weeks.

The undermining damage at Ft. Tejon State Park stopped just 90 feet from Interstate Highway 5, the state’s main north-south transportation conduit. Major damage to I-5 would cripple the movement of goods up and down the U.S. west coast. Because the stakes are very high, the EIR must thoroughly study the downstream surface and subsurface hydrology. It must assess the risk of flood damage to all downstream facilities and mitigate those increased risks. The project proponents must assume financial responsibility for any increased risk.

**Water Supply**

The wells that now keep Castac Lake full share the same groundwater basin as the town of Lebec. By keeping the Castac basin full of water, the lake has now become the single biggest user of water in a relatively small groundwater basin and dwarfs the other users.

Tejon-Castac Water District (TCWD) is planning on using up to 3600 acre-feet per year for lake-filling and other uses according to the 2003 TCWD urban water management plan. This is a volume nearly equal to or exceeding all available recharge to Cuddy Canyon, according to the Schmidt report in the Frazier Park/Lebec Specific Plan. The water will ultimately come mainly from the small, narrow Cuddy Creek stream channel aquifer, which feeds into the Castac basin.

From Stetson 2006, there cause for concern regarding the groundwater supply in Lebec:

“The simulated storage for the worst case scenario with all future development in the Frazier Park/Lebec Area, but without TMV, would be reduced to 115,757 acre-feet in 2024, the lowest level for the simulation period, as shown in Table 5 and Plate 10. Using the water level data at Well No. 56A in 1956 and Atlantic Richfield Well in 1968, the water level of the Tejon Lake Groundwater Basin in the vicinity of these wells in 2024 is estimated at 244 feet bgs. Since no historic water levels are available for many wells in the area, it is difficult to determine the impacts of lowering the water level in...
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the Tejon Lake Groundwater Basin to this depth. Although the aquifer will still contain a significant amount of water, shallow wells (such as TRC Well No. 90 and FMHS Well) may experience reduced yield or possibly go dry."

It should be noted that the above assessment was made without considering TMV pumping. It should also be noted that the production well for the proposed Frazier Park Estates development is located near the FMHS well and is at a similar depth.

Although the Frazier Park/Lebec Specific Plan hydrological report (Schmidt) calls for a long-term groundwater monitoring program, no such program has been undertaken. TCWD’s urban water management plan reports groundwater levels 100 feet below present day levels in the Castac basin, indicating extreme swings occur with changing rainfall patterns over time. Before this project is approved a long term groundwater monitoring must be completed in order to ensure that the water supply of present day users and those users already planned for in the Frazier Park/Lebec Specific Plan will not be diminished.

Geologic Considerations

The lake is situated directly on top of the Garlock Fault, a short distance from the intersection of the San Andreas Fault. The EIR must assess whether a strong earthquake could trigger the release of the lake water, devastating I-5 and other down slope facilities.

A simple limnological study could reveal the effect that the great quake of 1857 had on the lake and should be conducted.

Dr. Laskowski interviewed long-time local residents regarding fluctuations in lake levels and lake water quality. Those interviews provide anecdotal evidence of a correlation between earthquake activity and lake water levels. In his investigation he found and photographed round vents in the dry lake bottom through which water flowed upward and downward. He attributed these vents to earthquake activity on the Garlock Fault. The EIR must investigate these vents and their implications for lake management.
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Significant surface inflow to the lake generally only occurs with high rainfall and/or snowmelt events. These inflows carry with them a significant sediment load that is gradually filling in the Castac basin. Dr. Laskowski observed 1-1/2 feet of sedimentation over a 28 year period at one location in the lake bottom. With more paved surfaces up slope than when Dr. Laskowski conducted his study it is highly likely that there is more runoff, more streambed scouring, and more sediment load in Cuddy Creek waters than in the past. Sedimentation of the lake must be evaluated in the EIR.

Summary

The Castac basin has a number of characteristics that make it a poor location to attempt to manage a recreational lake. The lack of continuous inflow means that the lake will get stagnant and require constant aeration to maintain oxygen levels. The lake’s triangular shape, its high temperatures, and high nutrient load will work against that effort and the lake will trend toward eutrophication. Eutrophication leads to algal mats, cloudy water, fish kills and stench.

The lack of continuous inflow means that salinity will be difficult to manage. High evaporation rates and lack of summer rain mean that salinity will likely increase over time. Recent above-average rainfall years have helped flush out dissolved salts but the long-term trend will be toward ever increasing lake salinity.

In addition to eutrophication, salinity, and sedimentation, managers will be faced with the constant influx of toxic trace elements in runoff from the surrounding soils and rocks.

The EIR must include a comprehensive lake management plan that details how future managers will handle the problems mentioned above. If dredging or berm building will be required, permits for those activities should be applied for now. Estimates of increasing salinity should be based on accurate evaporation measurements. The lake evaporation estimate used in the TCWD urban water management plan appears to be an underestimate and is apparently based on two measurements taken in 1999, during a period of likely upwelling from under the lake. The EIR must include accurate evaporation measurements over multiple years employing standard methodology such as Class A evaporation pans.
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Spatial and temporal modeling of dissolved oxygen, nutrients (nitrogen and phosphorous), salinity, sedimentation, and trace element concentrations in water and sediment based on real data through known climatic variance and through worst-case climatic scenarios must be done in order to understand how lake conditions will change over time.

Runoff from urban areas causes deterioration of water quality. Runoff from the planned development around the lake will compound the water quality problems and must be included in the modeling mentioned above.

Conclusion

The selection of the Castac Basin as a location for a recreational lake is problematic at best and disastrous at worst. The long-term outlook for successful water quality management of the lake is poor. Flood damage downstream has already occurred and will likely happen again, possibly damaging homes. Toxic trace elements pose a continuous hazard to wildlife. Use of groundwater for filling the lake to offset evaporation without a groundwater monitoring program to protect present day users could diminish supplies unexpectedly. Earthquake activity will continue to impact the lake in unpredictable ways.

There is no question that Castac Lake is a part of the Tejon Mountain Village Project. As demonstrated above, the modification of Castac Lake is a major alteration of the natural environment. With its impacts on wildlife, surface and subsurface flows, water quality, and groundwater supply the lake must be analyzed in the DEIR. Without the lake analysis the DEIR for Tejon Mountain Village is incomplete and fatally flawed.

Thank you very much for considering our views.

Sincerely,

Doug Peters
Executive Board, TCW
Comment Letter 25, Cont.

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Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

A voluminous document the developer has had years—and a significant budget to hire staff and experts—to prepare has been forced down the public’s throat with a mere 45 days to comment. The County’s protests of fairness, due process, and lack of bias fail to convince.

I would like to draw attention to Section 4.12 concerning population and housing in which the developer states there will be “significant and unavoidable impacts—with no feasible mitigation measures”—to buffer the area’s population growth. Respectfully, I do see possible and feasible mitigation measures.

TMV’s further objective, “to create new jobs and provide new tax revenues for the local economy of Kern County while at the same time minimizing demands on County services.” It sounds good and plays well to the unemployed in the nearby Mountain Communities.

Nonetheless, the example of a nearby community, Pine Mountain Club, is illustrative. Thirty-nine years after its inception, Pine Mountain Club is nearing built out status. For most, if not all of those 39 years, Pine Mountain Club has drawn down the county’s resources. Did those developers not make the same promises that Tejon Mountain Village is making to us?
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Did those developers not promise fire and law enforcement protection? How long did it take Pine Mountain Club to exact adequate fire protection services, much less paramedic coverage, from the county? Providing school services brings no economic benefit to our local Tejon School District. Almost 70% of the tax revenues (Table 4.13-4) flow downhill to the Arvin School District.

The plan is appealing to the County for the upfront money to pay a share of the infrastructure changes, e.g. off ramps, roads, overpasses. Local residents expect the promised rise in property values. But eventually the developer quits paying. And, their contribution is never quite enough. By now the developer is gone. But law enforcement and fire personnel must be paid. Roads must be maintained. Local residents are left scratching their heads wondering what happened to all the big promises, and where all the money went. The money went to hedge fund managers, stockholders, and Tejon Ranch executives. The costs of continued services is paid by the residents.

This plan offers few long-term advantages for those of us who live here. The developer states that “at least 25% of the facility’s permanent work force will be drawn from within a 30-minute commuting radius of the facility”. Are we to presume that the remaining 75% of the facility’s work force will commute from Bakersfield and Santa Clarita—or farther?

The permanent work force is not the initial 1620 high-paid construction jobs. An unemployed construction worker living in Frazier Park will be lucky to get a job of this kind. Most often in these large scale operations, developers bring in construction firm allies, and enterprises in which they have a financial interest. These are most unlikely to be located in the Mountain Communities. In fact, this is stated clearly in Section 4.12.1: “Construction workforce requirements would generally be fulfilled by
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contracting with firms that specialize in short- to mid-term projects throughout California and the western United States.”

The promise of 1620 jobs is empty. Many of those jobs (in fact the actual number shifts from place to place in the document) will be construction jobs as mentioned above. The fact that the numbers shift so consequentially gives rise to a suspicion of double counting. At build out—some two or three decades in the future—there will perhaps have been 1600 jobs. Perhaps.

Another empty promise: that TMV will “permanently fund community maintenance and other project obligations from revenues generated within the new community.” And what if this takes 20-30 years as has been the case with nearby Pine Mountain Club? The tax revenues will not be nearly enough to support the county’s obligations. Long after the developer is gone, the local community will still be waiting for the promised tax revenues from all the new homes and businesses to trickle down.

The remaining jobs that appear attractive to the labor pool of 13% unemployed workers in Frazier Park will be low wage, service jobs in the small retail and commercial sector of Tejon Mountain Village. Locals will be given the chance to compete for minimum wage jobs, often without benefits, to support the project’s upscale amenities. And, we have no guarantee how many businesses will come in before a considerable number of lots have been developed. And when will that be?

Certainly some building jobs will be given to locals; but once again, there is no guarantee. Indeed, the DEIR states that “employers would be encouraged to hire from the local workforce.” (Italics mine) This is an area in which further mitigation is desired.
Furthermore, we do not find a statement saying the developer is guaranteeing to negotiate Project Labor Agreements with the building trades. Similarly, there is no guarantee to hire locally, or that workers will be paid prevailing wages. There is also no mention of entering into agreements with unions representing tourism or service workers which negotiate good jobs at a living wage.

These are desirable and possible mitigations we would like to see the county insist on.

It is not difficult to “follow the money” and imagine the impact on our local businesses, the hardware stores, the markets, the small service businesses in the Mountain Communities. It’s highly unlikely that TMV residents will drive to Frazier Park to shop. If, however, TMV subsidizes a chain grocery similar to Albertson’s, of course, many local residents would be drawn to shop there. We can foresee all too well what the impact would be on a business like Frazier Park Market.

We would like the county to answer how the plan fits in with “smart growth?” Where is the insistence on construction of long term economic building blocks promised for the locals?

The document makes remarkably short shrift of the subject of housing for the workforce they will bring in, either for the construction phase or the permanent jobs. Their concern, by the nature of their business, is the high-end homes that will be built. It is stated that “employee housing is available for at least 25% of the facility workforce within or near the project site.” (Mitigation Measure: 4.15-8) I would ask for some substantiation of that claim. And where are the remaining 75% of workers to live?
The claim is made that “Construction workers who are residents in the area would be expected to commute to the site from their existing homes in the Lebec, Frazier Park, and Lake of the Woods areas; south Kern County; or the Bakersfield metropolitan area.” That is, if a significant number of locals are hired. The developer goes on to admit that “most (italics mine) would likely relocate to the Bakersfield metropolitan area where housing is relatively plentiful and affordable.” How does this benefit to the Mountain Communities? An influx of new workers, 75% of them coming from outlying areas, push into the market of local vacancies and cause rents and prices to rise for the short term. Where is the mitigation for people in the Mountain Communities already struggling?

Let’s talk specifics: “Some portion of the construction-period workforce may relocate to the Lebec, Frazier Park, Lake of the Woods, and Mountain Communities areas, which would create a new demand for existing vacant and new residential units.” How many, please? Specifically, what portion over what length of time?

Here are some numbers provided by the County. In Section Long-Term (Operations-Related) Impacts, 4.12-9 the developer states: “The project would represent approximately 33% of the total housing needs for the 3.5-year period in unincorporated Kern County (2,404 units) and approximately 7% of the housing needs for the County as a whole (11,659 units) What they seem to be saying is that Tejon Mountain Village will provide 7% of the housing for the county as a whole. Can 7% of the county afford to buy into this development? Not very likely. What about the tracts that sit empty in Bakersfield’s outlying areas now? The housing represented by this project is for very rich vacationers who will have shallow roots, if any, in the local community and scarcely be aware of the communities across the road.

Note too: “The extent of this potential growth is likely to be limited for several reasons, including the short-term duration of project construction employment, the
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relatively high cost and low supply of housing in the Mountain Community area, and the greater availability of lower cost homes in the Bakersfield metropolitan area. (p. 1707) It seems then that much of the benefit will flow down the hill to where there is more and cheaper housing.

Another claim is made without substantiation: that “the proposed project and other approved or proposed projects identified in the cumulative projects list would help meet a documented need for housing supply in the region, thus beneficially affecting the region’s continued demand for housing.” Where is the “documented need” supported for this claim?

The demand for housing in this area is for low-income affordable housing. It is preposterous to state that the million or multi-million dollar homes that will be built in TMV will satisfy that need.

What is needed is to demand the developer provide deed restricted low-income housing on site to reduce commuting. That is what we ask as a mitigation measure.

Thank you very much for considering our views.

Sincerely,

Mar Preston
Executive Board, TCW
Comment Letter 25, Cont.

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Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

These are the TriCounty Watchdogs comments on section Utilities Section 4.16 – Water supply of the Tejon Mountain Village DEIR.

We believe it is important to begin by saying that the Tejon Castac Water District, the District supplying this project, is wholly controlled by Tejon Ranch Corp., the developer of the project. This relationship creates an innate conflict of interest for the reporting and disclosure of water supply issues. It is obvious to anyone that it would not be in the interest of the developer to provide an urban water management plan or a water supply assessment that in any way would impinge on the ability of the Tejon Ranch Corporation to develop this area. Therefore it behooves the decision-makers to look especially closely at this section to determine whether all relevant documents have been supplied and issues disclosed.

Such thorough review is especially important to Kern County, as the County would inevitably be looked to provide an emergency water source, should the details of Tejon’s plan not pan out as predicted by the environmental documents. A negative scenario could be both extremely expensive for the County as well as politically devastating. We therefore believe that Kern County should conduct an independent study of the ground water and available resources for this project.
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The water framework is based on two documents provided by the Tejon Castac Water District (again, wholly controlled by the developer, Tejon Ranch), the Urban Water Management Plan and the SB610 Water Supply Assessment.

**Tejon Castac Urban Water Management Plan**

The County should not rely on this plan in considering the approval of the Tejon Mountain Village project for the following reasons.

- It is notable that the Tejon Castac Urban Water Management Plan (UWMP) states that the District did not circulate their UWMP to nearby water districts since the Plan wouldn’t impact their areas. (Page 1, UWMP, 2005). Without such circulation and review by the very parties that would be most qualified to see errors or omissions in the Plan, how can the County rely on this document?  

- The Plan also states that no ground water management plan was prepared for the area, ostensibly for the same reason. However there is considerable debate in the community as to the connectivity of ground water basins and the potential result of the extensive pumping proposed by the Plan in the event of a drought or catastrophic event scenario that reduces or eliminates the State Water Supply.

- Urban water management planning law requires the involvement of the local community (Sec. 10642). This is because local well owners and community members are often intimately acquainted with local water supply and quality issues. The plan does not indicate any out reach to community members.
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- The Urban Water Management Plan is now out dated. Considerable changes have occurred to the State Water Supply including Federal Court Decisions and Biological Opinions that require compliance with the Endangered Species Act. As a result of these decisions, Article 21 water upon which the Plan relies for re-charge to storage basins in the Kern Water Agency, has not and most likely will not be available to the Tejon Castac Water Agency. (See DWR Notice to Contractors #07-09 and 08-08).

- Further, the Dept. of Water Resources approved a 2007 State Water Reliability Report, issued in 2006. Although we believe it, too, neglects to fully evaluate the more recent Federal Court Decisions to protect additional Delta fish species, this report indicates a much lower normal and single year drought scenario than that evaluated in the Tejon Castac 2005 Urban Water Management Plan.

- The Tejon Castac Urban Water Management Plan 2005 is not listed as a completed plan on the California Department of Water Resources’ (DWR) UWMP checklist. (see DWR website).

*We therefore assert that this project may not be approved based on this outdated and currently inaccurate document.* We request that any approval for this project not occur until and updated UWMP is developed for 2010 as required, in compliance with the Urban Water Management Planning Act.

Additional issues:
- The EIR for Tejon Mountain Village states that the project will rely entirely on State Water Supply. Detailed information as to the origin of that entitlement is only found in the UWMP. Based on the UWMP at page 8:
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TCWD’s total SWP entitlement is 5,278 acre-feet per year. TCWD has reserved Aqueduct capacity of 5,000 acre-feet per year to Reach 17 at the Bear Trap Canyon turnout within the Mountain Village Service Area, with the remaining 278 acre-feet allocated to the Reach 16 turnout, within the TIC Service Area.

TCWD’s initial entitlement was 2,000 acre-feet with capacity to Reach 17, reserved by a zone of benefit in 1965 and included in the District’s initial contract in 1993. In 1995, 3,021 acre-feet of entitlement with capacity to Reach 15 was transferred to TCWD from the Wheeler Ridge-Mariopaca Water Storage District (WRMWD). In 1998, 257 acre-feet of entitlement with capacity to Reach 11 west of Bakersfield was transferred to TCWD from the Belridge Water Storage District. Through acquisitions from WRMWD and amendments to the contract with the KCWA, capacity was obtained to Reaches 16 and 17 of the California Aqueduct, in the amounts set forth above.

In addition to the TCWD’s SWP entitlement, the District can use its contractual capacity rights in the California Aqueduct to transport any other type of water for use within the District boundaries. Therefore, the District has a right to transport water stored in water banks or purchased from third parties to its service areas. The sources and operations of water stored in water banks containing TCWD water are described in Section 2.3.

Annual allocations of entitlement to TCWD are set forth by DWR and are in the same proportion as entitlement allocations to all other agencies with contracts for SWP entitlement. These allocations are a function of varying factors such as hydrologic conditions, SWP improvements, environmental requirements, and evolving policies for

However, we were unable to locate any contracts between the Dept. of Water Resources (DWR) and Tejon Castac Water District for state water entitlement or wheeling agreements on the DWR website. Tejon Castac Water District is not a State Water Contractor or wholesale agency. While such contracts may in fact exist, the County cannot rely on information that may or may not exist, especially when it is of critical importance to verifying the water supply assessment for this project.

According to the EIR, the proposed Mountain Village project relies in its entirety on the state water project for its water supply. Yet, disclosure of the State Water Project contracts in the EIR and WSA is even less detailed than that found in the UWMP, instead referring back to the UWMP. Failure to provide any contracts that may exist for review in the EIR is a deficiency because of the extreme importance of this water supply to the project and future residents. We assert that the EIR may not be certified with such a critical deficiency.

* The UWMP states on page 4:
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The District’s total water entitlement of 18,413 acre-feet per year includes the full SWP entitlement, maximum capacity of existing groundwater wells serving the TIC Service Area, safe yield of the groundwater basins underlying the District’s Mountain Village Service Area, maximum capacity from water banking supplies, and recycled water potential.

While this amount may seem more than sufficient for the Tejon Industrial Project and Tejon Mountain Village, it is well-settled law that a project may not rely or purport to rely on its full state water entitlement. That is because only a percentage of that entitlement will be available based on rainfall in any particular year. This statement also appears to include a ground water storage component that may not be accessible. We cannot know whether pump-back water quality from the Kern Basin is acceptable to DWR for wheeling in the State Water Aqueduct, since this information is not disclosed in the UWMP or the EIR. Further, we cannot know whether the humpback agreements are sufficient for the yearly needs of the project in a drought scenario, since those agreements are not disclosed. And last, Article 21 water used for storage supplies will be substantially reduced or not available, according to the DWR “State Water Supply Delivery Report” available at their website and hereby included by reference. Therefore, this supply amount is overstated.

- The EIR claims the project won’t use ground water, yet the single dry year supply scenario in urban water management plan depends on extensive ground water pumping. (see chart below, pg. 39, UWMP). Such reliance on ground water without a ground water management plan or any studies that evaluate this extensive pumping on nearby communities is not acceptable.
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Water Supply Assessment and EIR for Tejon Mountain Village

In accordance with the 2nd Appellate Court Decision in C-Win v. Newhall County Water District, 2008, the EIR review is the appropriate place to comment on and challenge the validity of the Water Supply Assessment (WSA) for a project because the County’s certification of the EIR represents the final decision.

As DWR Bulletin 160 and other historic and current documents promulgated by DWR often proclaim, state water was never meant to be a primary source of water because of its unreliability. Yet the EIR and water supply assessment depend solely on this unreliable and variable source of water in complete contradiction to the scenarios presented in the UWMP.

Based on Tables 12, 13 and 14 (pages 25-27) of the Water Supply Assessment, page 4.16-14 of the EIR states:
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“Although TCWD has rights to significant groundwater supplies, the analysis assumed that no groundwater would be extracted to meet either Tejon Industrial Complex or Tejon Mountain Village project demands.”

The WSA and EIR erroneously and illegally ignore the catastrophic event and dry year scenarios described in the UWMP (as indicated above) that depend extensively on ground water pumping. Further, the WSA admits in section 5.5.5 Potential project use of local groundwater supplies that government codes require certain reports in order to rely on ground water which have not yet been completed:

“TMV believes that additional study of regional hydrogeology, including the potential connectivity between Basins 5-29 and Basins 5-82, 5-83 and 5-84, is required to address these Water Code requirements.” P. 31

and that:

“Adjacent landowners in the vicinity of the project exclusively rely on local groundwater to meet their water requirements. As discussed in this WSA, TMV project demands can be met by TCWD through the use of other, non-local water supplies. Under these circumstances, it may be inappropriate for WSA purposes to assume or assert that the TMV water demand can be met by local groundwater.” p.32

This inconsistency is significant and must be addressed prior to any certification of the EIR.

Further, the supply for Tejon Mountain Village depends on availability of other sources of water purchased for storage in Kern County Water storage facilities. However, the WSA states:

“Nevertheless, to ensure that this WSA provides a conservative assessment, the analysis assumes that no Article 21 or other SWP supplemental water will be available to TCWD during the 20-year analysis period.” P.11
While such a goal is both laudable and necessary due to the reduced likelihood of obtaining Article 21 water as admitted in the WSA, we request a disclosure of where future storage water will be obtained. It certainly will not be obtained from excess state water supply allotment, since table 11-14 indicate only a very small surplus in normal years and require withdrawals from the ground water banks in single dry and multi-dry years. What happens when all banked storage water is fully utilized?

We are concerned that water use estimates found on Table 3, page 7 substantially underestimates outdoor water demand for the project. Water demand for landscaping in hot, dry climates averages 50% to 70% of water usage per dwelling unit. (See Metropolitan Water District website, hereby incorporated by reference). We also do not see any demand indicated for open space buffer zone water requirements. *Since no mitigation measures will enforce any particular type of drought tolerant landscaping, we believe this underestimation of landscape water demand constitutes a significant failure to disclose a substantial and foreseeable impact in both the water supply assessment and the EIR.*

For some reason, the WSA doesn’t indicate vineyard usage in its project analysis, however the EIR does. The WSA should be revised to include this demand usage.

Finally, while the WSA concludes that there is an adequate water supply “throughout the 20 year analysis period” (p. 35), we believe that year 21 may very well present a supply problem. We assert that the County may not approve housing for which as little as a twenty-year supply appears to be available on an insurable basis. Future residents of this project will not anticipate that they must pick up and leave for lack of water after that time.

**EIR Issues**

**Cumulative and Long-term Impacts**
In light of the recent California Supreme Court’s decision, Vineyard Area Citizens for Responsible Growth, Inc. et al. v. City of Rancho Cordova, Case No. S132972, in which the Court found that EIR’s long term water planning to be inadequate, we believe the Tejon Mountain Village EIR is inadequate. The Vineyard decision makes clear that water purveyors and land use planners must objectively and in good faith disclose the uncertainty associated with potential sources of water, and identify and evaluate alternative sources in light of such uncertainty. The Vineyard decision also makes clear that the outcome of future environmental reviews that could affect the identified water supplies may not be assumed as in the WSA for this project that merely lists a number of potential additional sources.

The DEIR’s cumulative impact analysis significantly understates the potential impacts, failing to adequately analyze the present project’s role as one part of one of the largest sprawl development projects in California’s history. The cumulative impact analysis for water supply ignores the massive additional projects such as Centennial proposed by the Same Tejon Ranch developer that will also rely on State Water Supplies. It also ignores the existing demands of the surrounding nearby communities of Lebec and Frazier Park. It illegally piece-meals away the lake portion of the project, which relies on ground water recharge to exist and constitutes a considerable source of water demand due to its surface evaporation rate of up to 1562 AF per year as indicated in Appendix E of the EIR. It should be noted that this lake is also called “storage” in the UWMP. These impacts must be evaluated.

We therefore request for an evaluation of long-term and cumulative availability of water supply under the Vineyard decision.

Finally, according to the EIR “Tejon-Castac Water District (TCWD) does not currently provide water services to the entire project area. TCWD would annex the rest of the proposed Tejon Mountain Village project site following the completion.
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of the project’s CEQA analysis by the County. Annexation would be subject to approval by the Kern County Local Agency Formation Commission.”

Water service to this project will not be available until LAFCO approves this annexation. Annexation must include an updated WSA that accurately represents current water supply constraints and cumulative impacts.

Siting of Pipeline and Treatment Facility

The water pipeline and treatment facility appear to be sited in a biologically sensitive open space area, but we could not find anywhere in the EIR that addressed these impacts on wildlife. Please indicate where the EIR discusses this issue.

Mitigation Measures

Mitigation measures are “identified” in the EIR, but do not seem to be “required”. All mitigation measures should use the word “shall” to indicate that such measure will actually occur and be enforced. Otherwise there is no assurance that such measures will ever be put into practice.

Some mitigation measures indicate that homeowners will install conservation landscaping and other such features to reduce water demand. How will the County ensure that future homeowners retain conservation landscaping and water conservation features? Without a mechanism for mandatory enforcement for such features, a lower water demand cannot be guaranteed in the future.

The EIR states that a water treatment plant will be built to treat both the state water supply and the wastewater generated by the community in order to supply the recycled water on which the project depends and comply with state effluent standards. No treatment plants currently exist. This is a very expensive up front cost for the project.
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In other projects in California that have met with financial problems, the first phases of the projects have been built without the promised infrastructure on the argument that the first phase will pay for the future facilities. Then the developer goes bankrupt, leaving schools, roads, streetlights and treatment facilities unbuilt. Since this project depends on these two expensive facilities to supply water for this project, the County should not approve any phases without their completion. Or in the alternative, bonding for the treatment plants must be required.

Further, examination of water quality reports indicates that the ground water from the Tejon basin may have to be treated (Rose Well, appendix 5 and high arsenic levels in the lake). So even the indicated back up water supply for this project would require a treatment facility. Failure to require that this essential facility not be built immediately would jeopardize the health and safety of future residents of this proposed project.

Thank you very much for considering our views.

Sincerely,

Executive Board, TCW
Comment Letter 25, Cont.

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Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr. Murphy,

TriCounty Watchdogs (TCW) would like to comment, in this letter, on the transportation and traffic section of the Tejon Mountain Village (TMV) DEIR. As you know, we are of the opinion that the County did not provide us with enough time for comments, and in particular it has not been possible for us (yet) to go over the relevant appendices.

Before we go into details, let us step back and see what is proposed, also cumulatively. Tejon Ranch Company (TRC), and its various partners, propose to build a large number of residential and commercial projects in the I-5 corridor, between the intersection with SR 138 and the split with US 99. The precise number of houses is yet unclear, but TMV will build 3,500 homes and Centennial will build 23,000 homes over the 25-30 years. There is, however, 10,000 acres on both sides of the freeway reserved for further planned development of in the Grapevine and San Emigdio. But for the time being, let’s just take the 26,500 homes in the Tejon Pass into account, and assume that means 3 x 26,500 = 79,500 people. Add the 1,000 homes in Frazier Park Estates and Gorman Post Ranch, and we are close to 85,000 people. Note that this is a population growth in the area of about 1000%.

Let us also pay some attention to existing qualitative road conditions in the area. The 138 is a two-lane freeway, and the number of jobs in the Lancaster/Palmdale
area is limited. This means that the I-5 will have the burden of job related traffic. We think it is fair to say that the I-5 is not a stable connection. It closes, mostly during the winter, but also because of accidents, about 5 times per year. Along the I-5 there are many landslides (documented in Caltrans Special Report 188 by B.D. Foster). In our area I-5 runs parallel with the San Andreas Fault, and perpendicular to the Garlock Fault. As is discussed elsewhere, the Garlock has a slip of 5mm per year, the San Andreas slips 30-60mm per year. Thus the ground is always moving, and the road surface is always broken.

Another factor is that in the Tejon Pass more than 25% of the traffic consists of trucks (about 19,000 per day), and of those trucks about 75% are 5+ axle trucks. The impact of a fully loaded truck on the road surface is about 1000 times that of a passenger vehicle. This means that, as far as the road surface is concerned, the equivalent of more than 10,000,000 cars go over the summit every day. The trucks, of course, have other impacts. As local citizens can testify, they make traffic dangerous, both on the climb to the Tejon Pass and on the descent to the Grapevine. Especially at night I-5 is de facto a four-lane freeway, because the other four lanes are used by trucks, and passenger vehicles use those lanes at their peril. And they dump enormous amounts of pollutants in Castaic Valley, where TMV is supposed to be build. It is ironic that TRC is adding greatly to that pollution by establishing Tejon Industrial Center (TIC), with its warehouses, truck stops, inland ports, and foreign trade zones. As a direct consequence, and as a consequence of developments at the ports of Los Angeles and Oakland, truck traffic in the pass is increasing more rapidly than other traffic.

Let us say something briefly about transportation planning and trip generation models. It has been shown, again and again, that projections about the number of trips, and their impact on existing freeway systems, have always been way off, and always in the direction of underestimating the number of trips and overestimating the number of trips that will stay inside the development. In
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statistical parlance, the estimates are, for whatever reason, biased. This is freely discussed in the literature of transportation analysis and planning, and it is mostly a consequence of the fact that the existing models are hugely underspecified and cannot deal with all the factors determining future traffic streams. Of course the current housing crisis and economic downturn make prediction even more problematic. Although clearly we must use the state-of-the-art tools that are available, it also makes sense to realize that these tools are not very good.

For prediction of future traffic growth on I-5 it is essential to have a good idea of population growth. And, again, nobody knows. The growth in Kern in 2008-2009 was less than one half of what was predicted. Gasoline price has a dramatic effect on traffic intensity, and, again, nobody knows how far gasoline prices will go up in the next couple of years, let alone where they will be in 2033.

The DEIR pays a great deal attention to on-ramps and off-ramps at Frazier Park, Lebec, and Fort Tejon. Much of the mitigation is directed towards improving those ramps. We understand that this follows from the CEQA process: building the project will have impacts on the ramps and mitigation is that the developer contributes to improving the ramps. Nevertheless it should be emphasized that under the no-project alternative the ramps are perfectly fine, and that the only reason why they are discussed at all is because of the proposed project. Since we don’t think the project should be build, we don’t think the mitigation for the ramps is necessary and worth discussing.

Traffic impact in the DEIR are discussed in terms of Level of Service (LOS). This is indeed the standard way of discussing impacts, but there are some problems with the concept. LOS is based on peak traffic divided by total capacity. The notion of peak traffic is less appropriate in an area where 30% of the traffic and 50% of the roadway is taken up by large trucks (note that in the Santa Clarita area the truck percentage is around 12-15%). The conclusion is that all segments
of the I-5 from Bakersfield to San Fernando are at an allowable LOS. Many of us with daily commutes will be surprised by the result, but we’ll take it at face value.

Of course projected traffic is more interesting, because that will incorporate the impacts of TMV, and the cumulative impacts of the planned projects in the Tejon Pass, in the Santa Clarita Area, and in Bakersfield. The DEIR uses the KCTM, LATM, and EAVTM traffic models to predict traffic growth. As indicated above, we feel that traffic models have generally failed to make correct predictions of actual traffic, and that the information they yield is misleading in two important aspects. First, they predict traffic with what is generally known as spurious precision, up to the single trip. Second, they do not provide information about the reliability, stability, or uncertainty of their predictions, which makes them close to worthless from a scientific point of view. If we take the DEIR predictions seriously (and, again, there is no reason why we should) the the project will generate (at build-out) 36,000 daily trips on I-5. Current Annual Average Daily Traffic (AADT) is about 78,000 trips, which means that vehicle trips generated by TMV alone will increase traffic by 50%.

Several studies by the UCLA Center for Environmental Statistics have indicated growth in traffic through the area from 1970 to 2007 of about 3% per year, with growth in truck traffic 4-5% per year. If this trend continues, then over 30 years ambient traffic growth will be 245%, and AADT will at Kern-LA County Line will be 181,500. Trucks (AADTT) will be at 82,000, one truck every second, 24/7. These figures are conservative, because as we know there is a projected 1000% population growth in the area between 138 and 99, which will certainly increase AADT and AADTT growth rates.

So let us look at a scenario in which all planned and projected developments are at build out. In 2005 we’ll have 350,000 car trips in the Tejon Pass (five times as many as today, and more than at the intersection of I-405 and I-10). All the cars
and trucks, over the 15 mile stretch, will use an acre foot of gasoline every day. Over that same 15 mile stretch the 100,000 trucks will produce 2,800 lbs of Volatile Organic Compounds, 340,000 lbs of Nitrogen Oxides, and 80,000 lbs of Carbon Monoxide per day. Every day. And the 250,000 cars will produce 11,500 lbs of VOCs, 10,000 lbs of NOx, and 115,000 lbs of CO per day. Now these projections are not serious, for the simple reason that they lead to an impossible situation. Before we get this far, someone will have to take appropriate action, and local government cannot simply go on routinely approving this type of destruction. It will simply be impossible to deal with the traffic and air pollution problems. Approving the TMV project is just making a first, and major, step in this apocalyptic direction. And to ignore responsibility and make the situation worse for the next generation of decision makers.

We know that the standard solution to traffic problems is to build extra lanes. We also know that this is a short time solution, which stimulates population growth in the area, and promotes more vehicle use. The North LA County Traffic Plan proposes to make the 138 a four lane freeway, to add eight lanes to I-5 in the Cagiva area, and to add a truck lane in both directions from Castaic to the Grapevine. These are traffic-planner pipe-dreams. We have a bankrupt state that cannot even properly maintain the existing roadways. Having an extra truck lane will stimulate further build-out of the commercial and industrial facilities in the Frazier Park area and on the Valley Floor, and will seriously aggravate pollution problems.

We hope to find more time to provide more extensive comments on the results and methods the DEIR uses in the transportation and traffic appendix. For the moment, just note that we think on-site and near-project mitigation is basically irrelevant, because the cumulative traffic impacts for the I-5 from SR 14 to US 99 are simply not sustainable. Traffic flow, truck traffic, PM emission, and GHG
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emissions will be too extensive to handle and will have too serious negative health effects on local inhabitants and commuters.

Thank you very much for considering our views.

Sincerely,
Jan de Leeuw Ph.D.
Executive Board, TCW
Distinguished Professor and Chair, UCLA Department of Statistics
Director, UCLA Center for Environmental Statistics.

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Comment Letter 25. Commentor (July 13, 2009)

Response 25 A.

The comment from Commentor (TCW) states that TCW has drafted comments on separate sections of the Draft EIR, and that the first letter serves as an executive summary of those comments. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 B.

The comment states that the Draft EIR is seriously flawed, and that commentor will provide a number of reasons for which the Draft EIR should be withdrawn. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 C.

The comment states that the public input procedure for the Draft EIR, the Tehachapi Uplands Multiple-Species Habitat Conservation Plan (TUMSHCP), and the Frazier Mountain Estates project is flawed. Due to the volume of material provided to the public in a short period of time, the commentor believes that the public input process has been seriously compromised. For this reason, the commentor believes that the Draft EIR should be withdrawn.

Under CEQA and the regulations implementing (CEQA Guidelines), the public review period for a Draft EIR of this type must not be fewer than 45 days, or longer than 60 days, except under unusual circumstances. CEQA §21091(a); CEQA Guidelines §15105(a). A lead agency is under no legal obligation to grant an extension of the public review period; the decision to do so is at the discretion of the lead agency. The CEQA Guidelines provide, however, that if an extension is granted, in no event may the public review period run beyond 60 days absent "unusual circumstances." CEQA Guidelines §15105(a).

The County timely evaluated requests for an extension of the public review period, and concluded that – consistent with its established practice – an extension of time was not warranted. The County made clear that it will continue to accept all comments on the Draft EIR and Project throughout the entire Project environmental review and application process, until the close of the public hearing before the Board of Supervisors. The County also noted that both written and verbal comments would be considered, and written and verbal responses would be provided, through the Planning Commission and Board of Supervisors hearings. The County also stated that all comments would be included in the record for the Project. Based on this open and on-going comment period, the County determined not to grant an extension of time. (Kern County Planning Department letter to interested parties regarding Tejon Mountain Village Specific and Community Plan Draft Environmental Impact Report Request for Extension of the CEQA public review period, July 6, 2009, included in Response to Letter 59). Kern County Planning Department Division Chief Lorelei Oviatt also explained the public review process for the Tejon Mountain Village Specific and Community Plan in a community meeting on June 18, 2009, and clarified that while the Final EIR would include only written responses to comments made during the EIR public comment period, later comments would also be evaluated and responded to verbally or in writing.
as part of the Planning Commission and Board of Supervisor hearing process. Please refer to Response to Letter 59.

There is no case law compelling a lead agency to extend the public comment period upon request, or otherwise limiting the lead agency's discretion in deciding whether to grant an extension. Likewise, there is no caselaw defining what "unusual circumstances" exist that might justify a longer review period. The County acted in compliance with CEQA in maintaining the 45-day public comment period.

Additionally, the MSHCP and EIS had been available for public review for over 100 days as of the release of the Draft EIR, and the overlapping review period for both documents was more than a month, giving members of the public time to review each document individually and collectively.

Similarly, the Frazier Park Estates (FPE) EIR was a Recirculated Draft EIR. The FPE Draft EIR had already undergone one full 45-day public review period, and was updated in a Recirculated Draft EIR released on June 3, 2009, providing for a total review period for both Draft EIRs of 90 days. The review period for the Recirculated Draft EIR overlapped by approximately one month with the Tejon Mountain Village Draft EIR, again giving members of the public time to review each document individually and collectively.

The public comment process under CEQA was improved with a public review process that included concurrent intervals of review time for the EIRs and an EIS, and thereby avoid parceling out information about one but not both projects, and the MSHCP, in sequential review periods. This review process also avoided confusion about the status of each project, and allowed for an enhanced public understanding of cumulative impacts, in furtherance of CEQA's public disclosure goals.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

**Response 25 D.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 E.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 F.**

Commentor states that the Kern County Board of Supervisors has gone on record as opposing urban sprawl and expresses an opinion that the Project is the essence of urban sprawl. The Commentor is referred to the Response to Comment 24-J2 for a discussion on urban sprawl. Commentor expresses concern that the Project will start out being a resort with part-time occupancies, but like Pine Mountain Club, the Project will evolve into a community with full time residents. Although the Project proponents believe that the Project will be a resort community with partial occupancies, all of the analyses that were included in the Draft EIR assumed that the Project would include full time occupancies. As such, the Draft EIR included a conservative estimate of Project impacts. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Response 25 G.

Commentor notes that TMV will require infrastructure consistent with a "remote complex urban community" and that studies show that ultimately taxpayers, rather than the developers or future Project residents, will pay for infrastructure and services. The Project is a mountain resort community and is not "urban" for reasons described in greater detail in the Response to Comment 24-J2. The Project will also pay for its own infrastructure and services, as described in the Response to Comment 24-J2. Commentor's opinion that taxpayers will pay for Project infrastructure and services is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 25 H.

Commentor states that the Project will not meet the needs of the local community, and that the Project has no connection to the region, its people or natural resources. Commentor states its opinion that the project represents the opposite of smart growth, will create long term infrastructure consequences, and will disrupt interconnectivity of several major bioregions. The comment concludes by raising generalized concerns about the Project being on steep slopes and located at the intersection of two major faults and in an area prone to wildfires. These comments have been noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

The Draft EIR addresses all of these concerns in the various chapters of the document (please see, for example, Section 4.2, AGRICULTURAL RESOURCES; Section 4.4, BIOLOGICAL RESOURCES; Section 4.5, CULTURAL RESOURCES; Section 4.6, GEOLOGY AND SOILS; Section 4.7, HAZARDS AND HAZARDOUS MATERIALS; Section 4.9, LAND USE AND PLANNING; Section 4.13, PUBLIC SERVICES; Section 4.15, TRANSPORTATION AND TRAFFIC; and Section 4.16, UTILITIES AND SERVICE SYSTEMS). In addition, the Specific Plan contains Smart Growth and natural setting considerations. Please refer to Response to Comment 24-J2, regarding the Project's incorporation of smart growth components.

The Project is the product of substantial environmental and land use planning efforts. The Project is situated within the 270,000 acre Tejon Ranch. As identified in Section 3.5.3 of the Draft EIR the Tejon Ranch Company (owner of Tejon Ranch), on June 17, 2008 entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, Natural Resources Defense Council, Planning and Conservation League, Sierra Club and the newly formed nonprofit Tejon Ranch Conservancy. The Ranchwide Agreement provides for the permanent protection through dedication or sale of conservation easements of over approximately 90% of the 270,000 acre Tejon Ranch. The agreement provides for the permanent interconnectivity and preservation of lands over the several major bioregions discussed by commenter.

In addition to the Ranchwide Agreement, additional environmental and land use considerations are incorporated into the Project. The Project land use plan preserves 80% of the project site as open space (please see Specific Plan Section 2.3.5 TMV Ranchlands Preservation). In addition, the Specific Plan appendices as identified on page 3-10 of the Draft EIR include plans and programs designed to address many of the concerns raised by the organizations comment. Particular plans and programs that address the concerns raised in the comment include the following:

a) Master Design Guidelines developed specifically for the Project's geographical setting and physical features.
b) Fire Protection Plan addressing 1) emergency relocation and evacuation, 2) fuel modification requirements, 3) water distribution requirements, 4) provision for on site fire stations, 5) shelter in place/safe refuge requirements, and 6) applicability of Kern County fire protection standards or County approved alternatives for fire protection.

c) Sustainability Plan addressing 1) management of the projects carbon footprint, 2) implementation of energy efficiency and conservation measures, 3) green construction practices and construction waste management, 4) establishment of water wise conservation measures, 5) landscape design that incorporates biologically and locally appropriate species, 6) structure location standards designed to avoid floodplains, geologic hazards, conservation of large blocks of open space, preservation of cultural resource sites, 7) minimization of adverse impacts on preserved natural resources, 8) economic and social sustainability of the Project and surrounding communities through education and outreach, responsible land planning and establishment of charitable fund.

As noted above, the Project contains numerous provisions specifically addressing the relationship of the Project to the region and the natural setting of the Specific Plan area in furtherance of Smart Growth policies contained in the County’s General Plan. Section 4.9 of the Draft EIR (Land Use) includes a General Plan consistency analysis including Policy 49 (Smart Growth). As explained in this analysis, the Project is consistent with the General Plan including Policy 49.

The mitigation measures contained in the Draft EIR identify how the Project is being conditioned to pay a fair share of infrastructure improvements needed to address impacts due to increased demand (as an example see mitigation measures contained in Section 4.13, PUBLIC SERVICES; 4.15, TRANSPORTATION AND TRAFFIC, and 4.16, UTILITIES AND SERVICE SYSTEMS).

With regard to the seismic risks raised by Commentor, Section 4.6, GEOLOGY AND SOILS of the Draft EIR describes the Project's geologic setting, and potential impacts associated with development of the Project within a seismically-active region. Section 4.6 includes mitigation measures that outline how project tentative tract maps and other development applications will be required to define geologic hazards and provide consistency with identified setbacks to protect structures from such hazards. Mitigation Measure 4.6-26 requires the designation of an appropriately funded entity such as a benefit district or Geologic Hazard and Abatement District to administer long term geologic maintenance within the Project boundaries.

The Specific Plan includes Chapter 3, Circulation and Infrastructure, detailing how infrastructure (circulation vehicular and non-vehicular, water supply and distribution, wastewater system, drainage plan and dry utilities) components will be implemented. Many of the components such as private streets will be maintained by fees assessed to future property owners within the Specific Plan area at no cost to County taxpayers. Due to the high percentage of infrastructure maintenance funding derived through Specific Plan future property owner fees, the Project will not place a burden on Kern County tax revenues.

Response 25 I.

This comment suggests that the Project would be “thrust” into the “heart” of current and historic habitat for the “nearly extinct” condor.

The current condor recovery program includes three other locations (central California, Baja California and Arizona) in addition to the southern California region that includes Tejon Ranch. Recovery efforts in a fourth location are also likely to be implemented in northern California. Condors never nested on Tejon
Ranch and suitable nesting habitat does not occur there. Consequently, while the Ranch was used historically and is used currently as foraging and flyover habitat, active condor survival and recovery efforts exist in other parts of North America that do not rely solely on Tejon Ranch. In comparison with conditions 20 years ago, the status of the condor has markedly improved. By the late 1980s, less than 30 condors were still alive; the remaining birds were brought into captivity by 1987 for captive breeding purposes as a last effort to save the species from extinction. At present, there are four separate breeding facilities in operation and maximum genetic condor diversity is maintained at three of these locations. In addition, the total population of California condors is currently over 300 birds. Absent an event that simultaneously destroys the current breeding and release program locations, and in significant contrast with the situation just two decades ago, there is little danger at present of the species becoming extinct.

The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6), included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Draft EIR and CCP also address and consider the designation of approximately 131,947 acres of Tejon Ranch and 605,190 acres in California as condor critical habitat. Approximately 37,099 acres of the Ranch encompassing the Tunis-Winters Ridge area has historically been used, and is currently used, by condors for foraging and roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the U.S. Fish and Wildlife Service (USFWS) and lies outside of the Project area. As discussed in Draft EIR Section 3, in 2008 the Tejon Ranch Company (TRC) entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly formed nonprofit Tejon Ranch Conservancy (Conservancy). The Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. As a result, the Project, in conjunction with the Ranchwide Agreement, will permanently avoid and preserve all of the historical roosting areas within the Ranch, including the CSA. In contrast with condor nesting and historical roosting areas, condor foraging areas are dependent on specific geographical areas only in association with food source availability. The GPS data point analyses considered in the Draft EIR and the CCP (see the Draft EIR at 4.4-90 through 96; CCP at 25-36 and 38-40, Figures 2-5) show that condors have been traversing to and using the feeding stations established by USFWS to a much greater extent than Tejon Ranch. The hunting and ranching programs associated with the proposed Project will increase the availability of clean food sources and would increase condor use of the Ranch for foraging and feeding. The Project, and the Ranchwide Agreement, will ensure that carcasses related to hunting, grazing and, if implemented, USFWS supplemental food programs will be maintained throughout the permanently preserved open space on the Ranch. Based on observation of condor behavior on the Ranch and in the Southern California range of this species, condors will readily move to locations where food occurs. As a result, the Project and the Ranchwide Agreement will preserve hundreds of thousands of the highest-value and most heavily used condor foraging habitat and all of the traditional roost sites and thus avoid and preserve “the heart” of condor habitat on the Ranch.
Response 25 J.

The comment states that, with regard to cumulative impacts, the Project is a major part of a number of development proposals that will completely transform the open space and mountainous region in the Project's vicinity. Combined with other known development plans, the commentor believes that the Project will cause the region to become a highly urbanized, congested sprawl. Commentor's opinion is noted for the record, and is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 K.

Commentor states that “I-5 will be as dysfunctional as I-91 in Orange and Riverside Counties.” The Revised TIS makes a detailed analysis of I-5 north and south of the project. Levels of service (LOS) standards are defined and the analysis addresses those standards for with and without project conditions in 2017 and 2030. Where standards are not met, mitigation measures are presented. Notwithstanding such mitigation measures, and under both a with and without Project scenario, regional growth will increase traffic levels resulting in a significant unavoidable cumulative regional impact. See generally Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 25 L.

Commentor expresses concern that the Project is for the benefit of non-local developers and that the perceived tax windfall will not address long term infrastructural needs. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

The Project includes mitigation measures that require fair share contribution towards infrastructure improvements needed to accommodate increased demand created by Project implementation. The Project will assist the County with the provision of long term infrastructural needs. Many of the Project infrastructure improvements will benefit areas outside the Specific Plan boundaries that are currently underserved. For example, Mitigation Measure 4.13-2 requires the Project to provide 1.75 acres of land and provide 50% of the funding for replacement of existing Fire Station 56. In addition, mitigation measure 4.13-3 requires funding the purchase of a ladder truck. Fire Station 56 provides service to the adjacent community of Lebec. Fire station improvements will increase the level of service currently provided through improved facilities with long term infrastructural benefits to Lebec and the surrounding area. The station is currently not equipped with a ladder truck. Provision of the ladder truck will directly fund equipment addressing an infrastructural need that will have long term benefits to the entire Mountain Communities area. Fire funds generated from the Project will help staff and maintain these facilities. Similarly, the Project includes mitigation requirements regarding the provision of police and sheriff services, as well as school and library services. Please refer to Section 4.13, PUBLIC SERVICES, of the Draft EIR.

Fair share infrastructure mitigation requirements coupled with increased tax revenue from property taxes, sales tax and bed tax associated with the Project's hotels will address infrastructure development and maintenance cost. In addition, Project features such as internal roads which are typically maintained by tax revenue will be maintained by Project property owners because they will be private roads for the use of residents and resort guest. Consequently, County maintenance cost for the Project will be reduced compared to a typical project. Project implementation will create construction and permanent jobs that will provide additional economic benefits to existing residents in the Mountain Communities.
Response 25 M.

Because commentor has not had the time to read the entire Draft EIR, the following comments are restricted to the topics of aesthetics, light and glare, and pollution. The commentor has grave misgivings about the proposed Project and its future. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 N.

Commentor believes that the following biological resources mitigation measures should be addressed in the CC&R’s: Mitigation Measures 4.4-1, 4.4-3, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-36, and 4.4-37.

Several mechanisms are available for enforcing implementation of mitigation measures. Although CC&Rs is one form of ensuring enforcement of mitigation measures, other options are available as well. Ultimate responsibility for enforcement is through County review of future entitlement requests, such as tentative tract maps, site plans and grading permit conditions of approval. Mitigation Measure 4.4-1 will be a tentative tract map condition and enforced by the Property Owners Association limiting hunting within the project to guided hunts. Mitigation Measures 4.4-3 and 4.4-37 already include language stating that the mitigation measures will be enforced through CC&Rs. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, and 4.4-22 apply to future grading operations and will be enforced through tentative tract, site plan and grading permit conditions of approval, as well as grading contract terms/conditions and land sale agreements. Mitigation Measure 4.4-11 applies to common open space areas and will be enforced through tentative tract conditions of approval and enforced through the Property Owners Association. Mitigation Measure 4.4-12, 4.4-13 and 4.4-16 will be enforced through tentative tract map conditions of approval. Mitigation Measure 4.4-14 and 4.4-20 will be enforced through site plan conditions of approval. Mitigation Measure 4.4-17, 4.4-18, 4.4-19, 4.4-21, 4.4-23, 4.4-26, 4.4-27, and 4.4-36 will be enforced through the Property Owners Association and will be included in Project CC&Rs. In addition, all mitigation measures will be included in the Mitigation, Monitoring and Reporting Program (MMRP) that must be approved for Project approval. Please refer to Response to Comment 20-B regarding the MMRP process.

Commentor states that Mount Pinos has some of the darkest night skies in Southern California. To the extent that this comment describes the Project's environmental setting, this is considered as the baseline for Project impact analysis in the Draft EIR. Commentor also states that Mount Pinos draws observers, citing a website in support of this statement. Please refer to Response to Comment 24-F5 for a discussion of dark sky issues. This comment noted is noted and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 25 O.

This comment suggests the Ranch is “essential” habitat for the condor, that the Project would “harm” condors in many ways and create a major threat to condor recovery, that the proposed supplemental feeding programs that the USFWS would administer is “inconsistent” with the recovery of the condor, and that a “group of respected condor biologists” has “rejected” the proposed “condor measures.”

As discussed in Response to Comment 24-I, the current condor recovery program includes three other locations (central California, Baja California and Arizona) in addition to the southern California region that includes Tejon Ranch. Recovery efforts in a fourth location are also likely to be implemented in
northern California. Condors never nested on Tejon Ranch and suitable nesting habitat does not occur there. Consequently, while the Ranch was used historically and is used currently as foraging and flyover habitat, active condor survival and recovery efforts exist in other parts of North America that do not rely solely on Tejon Ranch. In comparison with conditions 20 years ago, the status of the condor has markedly improved. By the late 1980s, less than 30 condors were still alive; the remaining birds were brought into captivity by 1987 for captive breeding purposes as a last effort to save the species from extinction. At present, there are four separate breeding facilities in operation and maximum genetic condor diversity is maintained at three of these locations. In addition, the total population of California condors is currently over 300 birds. Absent an event that simultaneously destroys the current breeding and release program locations, and in significant contrast with the situation just two decades ago, there is little danger at present of the species becoming extinct. There are no historical or current condor nesting locations within Tejon Ranch. The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6) included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Project, in conjunction with the Ranchwide Agreement, preserves approximately 240,000 acres or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). The comment related to supplemental feeding is conclusory and does not include or cite supporting information or evidence. Every current California condor recovery program, including the ones in Southern California, the central coast, Arizona, and Baja California, includes a food subsidy program that provides clean (non-lead tainted) carcasses for condor consumption. Under current and reasonably foreseeable future conditions, released condors would almost certainly die in the wild in the event supplemental feeding programs were discontinued due to lead ingestion from carcasses killed with lead ammunition and the need to rapidly capture condors at feeding sites for emergency medical assistance. As discussed in the Draft EIR at 4.4-89 and the CCP at 14 and 19, lead poisoning due to ingestion of hunter-killed game with lead ammunition is thought to be the leading cause of mortality that resulted in the recent decline of the California condor. Condor biologists generally agree that without the supplemental feeding programs, which may have provided up to 90% or more of the diet of released condors, mortalities from lead poisoning would have been much higher until the ban on the use of lead ammunition within the areas of condor reintroductions in California was implemented (CCP at 14). It should also be noted that since the period of European settlement in the condor’s range, human hunting and ranching activities, not the distribution of “natural” predator kills, determine where condors forage and feed. This fact has been recognized since the inception of the condor recovery program, when condor capture and captive breeding advocates were heavily criticized for interfering with the condor’s “natural” behavior. As Noel Snyder, the head of the 1980-1985 condor team and one of the individuals cited in Comment 25-04 noted in response to such concerns, “The condor has come to be a symbol….It came to symbolize wilderness even though it’s out there feeding on ranchlands. It’s given them a mystical status. But boy there’s a real problem trying to manage a symbol. It’s like trying to manage smoke rings” (quoted in Bergman, Wild Echoes (2003) at 74). Food supplies generated by human hunting and ranching activities have determined for decades how and when condors forage within their range. The value of supplemental feeding activities to condor recovery is illustrated by the fact that another of the individuals cited in Comment 25-04 manages the privately-owned Wind Wolves Preserve located to the immediate west of the Ranch. In May 2008, the Preserve and the USFWS reported that “California condor recovery program biologists celebrated the overwhelming success of a new feeding site on the Wind Wolves Preserve in the San Joaquin Valley in early May. Photos taken on the preserve by an infrared camera revealed to biologists that 20 individual condors--more than half of the Southern California wild condor
Commentor expresses concern regarding the effect that degradation of night skies will have on the area's economy. CEQA is not an economic protection statute, but rather is designed for environmental protection, such that analysis of impacts should be focused upon physical impacts to the environment. Public Resources Code § 21000; Guidelines § 15131(a). Please see Response to Comment 24-F5 for a further discussion of dark sky issues.

Response 25 P.

Commentor believes that the local community supports an ecotourism model for the region. Commentor has attached to an article from The Mountain Enterprise newspaper describing a community discussion on this topic. The referenced article is attached as comment 25-P2. The comment an opinion, and is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 Q.

Commentor states that the Project and other projects in the area will impact dark skies. To the degree that the Project will create a new source of substantial light or glare over and above existing light or glare in the Project area, EIR Section 4.1 identifies mitigation measures and other restrictions to minimize this impact. The mitigation measures provide that street lighting will only be located at intersections, all external lighting fixtures will be permanently hooded or screened, and helicopter pad illumination will be pilot-activated and limited to the minimum intensity levels required by the Federal Aviation
Administration. EIR Section 4.1, AESTHETICS/LIGHT AND GLARE. Section 4.1 also notes that the land uses proposed for the Project would not require the use of high intensity lighting, recreational facilities and commercial area/parking lighting would be restricted by the TMV Specific Plan and Community Plan Design Guidelines (including a cutoff time for lights), and golf courses will not be lighted for night time use (supplemented Mitigation Measure 4.1-5). The lighting program in the Design Guidelines is designed to result in a dark sky and includes limitations on visible exterior lighting in order to preserve nighttime ambiance, light spill and glare prevention measures, pole, fixture and lamp selection criteria, requires the use of low intensity, indirect light sources, and cut off fixtures, a prohibition on floodlighting of outdoor areas, and no illumination of natural spaces. Id. As a result of the implementation of these measures and restrictions, the EIR concludes that the Project site would continue to appear relatively dark in comparison with the heavily lit areas around it. Id. However, due to the fact that both areas are virtually dark in their present state, the new sources of light and glare, albeit minimal and shielded, are considered to be significant and unavoidable. Id. The Draft EIR also analyzes cumulative aesthetic impacts in Section 4.1.5. "The cumulative impact assessment for aesthetics considered the cumulative projects list and focused on projects located in areas that could, in combination with the proposed project, affect a viewer or groups of viewers..." This analysis acknowledges that the project and other projects in the vicinity would visibly modify portions of aesthetic character of the Interstate Route 5 corridor and would add small amounts of light and glare to the area, and that while the pattern of development would be consistent with the existing rural mountain character of the region and light and glare would be minimized, modifications would result in significant cumulative aesthetic impacts. For further information about dark sky issues, please refer to Response to Comment 24-F5.

Response 25 R.

Commentor notes that development of the Frazier Park/Lebec Specific Plan involved a public process that included several town hall meetings. Commentor notes that Item 3.3 Project Objectives states: “Adoption of Policies to attract new and maintain existing levels of tourist interest in the Project Area, and to protect the natural beauty and integrity of the communities.” Commentor suggests that the proposed Project is not consistent with this objective. The comment is noted in the record and will be provided to the Planning Commission and the Board of Supervisors.

The Project is not located within the boundaries of the Frazier Park/Lebec Specific Plan, so the Project is not required to demonstrate compatibility with the objectives contained within the Plan. However, as described in the Tejon Mountain Village Specific and Community Plan and Special Planning District, the Project proposes a land use plan that is compatible with the land use densities and land use pattern contained in the adjacent Frazier Park/Lebec Specific Plan. The Tejon Mountain Village Specific and Community Plan and Special Planning District includes preservation of 80% of the land area within the Specific Plan boundaries as open space including important boundary features between the two plan areas such as Grapevine Creek. Preserving open space and key aesthetic features such as Grapevine Creek protect the natural beauty and integrity of the adjacent Frazier Park/Lebec Specific Plan area. Appropriate land use planning coupled with development of a resort community that focuses on appreciation of the natural features of the Project Specific Plan area (hiking, horseback riding, mountain biking) will assist in the attraction of new tourist interest in support of the existing tourist interest of the larger Mountain Communities area. Thus, the Project is not inconsistent with the Frazier Park/Lebec Specific Plan policy cited by commentor.

Response 25 S.

Commentor expresses concern regarding the effect that Project impacts could have on the area's tourism. CEQA is not an economic protection statute, but rather is designed for environmental protection, such
that analysis of impacts should be focused upon physical impacts to the environment. Public Resources Code § 21000; Guidelines § 15131(a). To the extent this comment states that the Project will cause visual blight, see Response to Comment 25-Q, and Draft EIR Section 4.1.5, analyzing and mitigating, to the degree feasible, potential Project impacts on aesthetics.

Response 25 T.

Commentor state that the Project does not conform to the General Plan Land Use Element Objective 1.3.A.1, providing for development that strengthens the economic potential of the area while protecting natural, water, and scenic resources. Based upon the preceding comments, it is presumed that this comment suggests that the Project will not strengthen the economic potential of the area because it will negatively impact the area's scenic resources. See Response to Comment 25-Q. As a mountain resort, many of the Project's stated objectives and land use goals are integrally related to Objective 1.3.A.1, promoting the establishment of a successful ecotourism culture in the mountain communities. See Specific Plan Section 1.6.2 (excerpts below):

1. Create a unique, low-density mountain resort that preserves the ranching and natural heritage of the Tejon Mountain Village property, in close proximity to, and with convenient access from, the greater Bakersfield and Los Angeles areas.

2. Conserve important biological and other natural resources by permanently preserving and managing more than 20,000 acres of habitats in a configuration that supports existing biodiversity, including funding for management, conservation and enhancement of natural lands.

3. Maintain visual resources and natural landforms by conserving visual features such as prominent ridgelines and rock outcrops, minimizing visibility of the development from key public vantage points, and minimizing mass grading.

4. Preserve cultural and historic resources to the greatest extent feasible.

5. Incorporate planning, development and building practices that conserve and protect significant on-site natural resources and minimize consumption of energy and water.

6. Use the existing and well-established Tejon Ranch entrances to minimize impacts and maintain the historic character of the surrounding area, and maximize use of the existing Tejon Ranch roadway network to minimize impacts associated with road construction.

8. Permanently fund land stewardship and community maintenance obligations from revenues generated within the new community.”

See also, Specific Plan Section 2.2 (excerpts below):

13. Create a master planned resort-residential community with an identity consistent with the rural and natural character of the property.

14. Create a development pattern that respects the inherent environmental character of the property by carefully blending development into the property’s natural setting.

15. Carefully manage the interface between development, open space, existing utility easements, and ranching activities.
16. Utilize land use planning techniques to integrate low impact development into the natural character of the landscape, preserving historic characteristics while providing the lowest impact to the environment.

17. Create a community that incorporates and protects the ranching heritage and natural character of the property.

18. Develop a community which emphasizes the value of open space and protects conservation, biological, and cultural resources.

19. Create an open space and conservation plan that effectively manages the interface between low impact development, open space, ranching activities and the Condor Study Area located off-site, adjacent to the north of the Specific Plan Area identified within the Tehachapi Uplands Multi-Species Habitat Conservation Plan.

20. Develop a community that uses less energy, and minimizes the use of resources and incorporates proven green value approaches to design and conservation.

21. Provide a variety of recreational opportunities for the residents while protecting the natural resources.

22. Provide an innovative approach to lighting which will limit development impacts upon the rural, dark sky condition, consistent with the International Dark Sky Association recommendation.

23. Promote the conservation of oak tree woodlands for their environmental value and scenic beauty.

24. Protect oak woodlands and individual oak trees and incorporate into project development, where possible.

25. Develop a community that utilizes on-site recycling of wastewater for irrigation of golf courses and associated community landscaped areas to the extent supplies become available.

Response 25 U.

Commentor inquires about a mitigation fund to offset the loss of tourism dollars. CEQA is not an economic protection statute, but rather is designed for environmental protection, such that analysis of impacts should be focused upon physical impacts to the environment. Public Resources Code § 21000; Guidelines § 15131(a). Accordingly, the suggested mitigation measure would not be appropriately incorporated in the EIR, as it would not be avoiding or minimizing a significant effect on the environment from the proposed project. Public Resources Code §§ 21002.1(a); 21100(b)(3); Guidelines § 15126.2(a).

Commentor also suggests payments to a fund that would be used to mitigate light pollution, including impacts from two existing, off-site uses. An EIR must identify mitigation measures to minimize those significant effects on the environment from the proposed project, evaluated against the baseline of the existing physical conditions in the affected area. Public Resources Code §§ 21002.1(a); 21100(b)(3); Guidelines § 15126.2(a). For this reason, it is impacts of the Project that must be mitigated, not existing environmental impacts like those mentioned.

To the degree that the Project will create a new source of substantial light or glare over and above existing light or glare in the Project area, EIR Section 4.1 identifies mitigation measures and other restrictions to minimize this impact. The mitigation measures provide that street lighting will only be located at
intersections, all external lighting fixtures will be permanently hooded or screened, and helicopter pad illumination will be pilot-activated and limited to the minimum intensity levels required by the Federal Aviation Administration. EIR Section 4.1, AESTHETICS/LIGHT AND GLARE. Section 4.1 also notes that the land uses proposed for the Project would not require the use of high intensity lighting, recreational facilities and commercial area/parking lighting would be restricted by the TMV Specific Plan and Community Plan Design Guidelines (including a cutoff time for lights), and golf courses will not be lighted for night time use. The lighting program in the Design Guidelines is designed to result in a dark sky and includes limitations on visible exterior lighting in order to preserve nighttime ambiance, light spill and glare prevention measures, pole, fixture and lamp selection criteria, requires the use of low intensity, indirect light sources, and cut off fixtures, a prohibition on floodlighting of outdoor areas, and no illumination of natural spaces. Id. As a result of the implementation of these measures and restrictions, the EIR concludes that the Project site would continue to appear relatively dark in comparison with the heavily lit areas around it. Id.

Because the Project site is currently almost completely dark and new light sources would be noticeable, the new Project light sources, even with shielding, would cause a significant, unavoidable impact. Even for significant impacts, however, CEQA does not require analysis of every imaginable mitigation measure, but rather only those that are feasible and will avoid or substantially lessen a significant impact. See Gilroy Citizens for Responsible Planning v. City of Gilroy (2006) 140 Cal.App. 4th 911, 935. The mitigation measures identified in EIR Section 4.1 are proposed because they are feasible, practical and effective at reducing the impact. Payment into a fund for mitigation would not work to lessen this significant, unavoidable impact, because the impact is based upon the fact that any new light sources will be noticeable. In addition, reducing glare via a monetary fund is not likely to be as effective or practical as those physical measures and restrictions to lights themselves that have already been implemented and are discussed in EIR Section 4.1.

Response 25 V.

Commentor questions whether the Project is working hard enough to control its own glare and light pollution. See Response to Comment 25-Q, describing the mitigation measures, design guidelines, and other restrictions, that will work to minimize Project glare and light impacts to the greatest extent feasible.

Response 25 W.

Commentor states that the Project should not require the amount of light that is generated by the TIC gas stations. The comment is noted in the record and will be provided to the Planning Commission and Board of Supervisors. The Project Specific Plan includes land use policies and dark sky requirements created to provide compatibility with the land use policies and lighting standards currently in existence in the majority of the Mountain Communities area. These standards are described in Mitigation Measures 4.1-4, which provides that in keeping with the rural mountainous character of Tejon Mountain Village, street lighting shall only be provided at intersections, and Mitigation Measure 4.1-5, which provides that all external lighting fixtures shall be permanently hooded or screened to prevent light and glare from spilling onto adjacent properties. As discussed in Response to Comment 25-Q, the Project implements numerous mitigation measures and design guidelines to minimize light and glare that other area uses do not utilize. As a result, it is anticipated that the Project will set an excellent example in lighting design and glare minimization for the greater area.
Response 25 X.

Commentor suggests that the Project should incorporate technology to save electricity by using less light. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Installation of efficient lighting is part of a suite of mechanisms included in Mitigation Measure 4.3-6, which includes an Energy Incentive Program that would help satisfy the requirement that the Project achieve energy efficiency that is at least 25% beyond the requirements of Title 24. Draft EIR at 4.3-128 to 4.3-129. In addition, the Draft EIR includes Mitigation Measure 4.3-18, which commits the Project to reducing its greenhouse gas emissions by at least 29% below business as usual (see Global Response 7.5.2, Climate Change for a definition of "business as usual"), which will result in energy-efficiency improvements such as efficient lighting.

Response 25 Y.

Commentor requests clarification as to how two aesthetic impacts (4.1.1 and 4.1.2) are less than significant, while one aesthetic impact (4.1.3) is significant. All three impacts are assessed against a specific "threshold" for determining whether an aesthetic impact is significant. The Draft EIR explains that for the aesthetic impact thresholds used for Impact 4.1.1 and 4.1.2, the Project does not create a significant adverse impact. For example, the Project is not in the vicinity of a designated scenic vista or scenic roadway, and thus would not cause any significant adverse impact in relation to this significance threshold. The third impact is the most generalized aesthetic impact, and really relates to the extent to which the Project will cause a change to existing views of the Project site. Because the Project site will change from primarily open space to a low density resort development, the corresponding views of the Project site will likewise change, and this change is what causes Impact 4.1.3 to be significant. The aesthetics evaluation methodology, aesthetic impact significance thresholds, and the aesthetic impacts and mitigation measures for the project, are discussed in detail in Section 4.4.1 of the Draft EIR.

Response 25 Z.

Commentor states that night view simulations are critical for inclusion in the EIR, predicting that Project buildings would be visible in the evenings and create a "city look". In response, a nighttime view simulation has been prepared, new Figure 4.1-13. Commentor is referred to Response to Comment 24-F5, analyzing this new Figure and the fact that it reaffirms Draft EIR conclusions that the Project will produce minimal light or glare impacts.

Response 25 A2.

Commentor states that it could not find any scientific evidence to support the "minimal impact" language in Draft EIR Section 4.1-4, especially when cumulative effects are considered. To the extent the comment requests "scientific evidence" for Project-specific impacts, the Draft EIR utilized an objective evaluation procedure and accepted significance thresholds to assess potential Project impacts on aesthetics. And while the Draft EIR stated that the Project would have minimal impacts related to light and glare, it still concluded that this impact was significant and unavoidable. This conclusion was based upon the fact that regardless of Project mitigation and how minimal new light sources would be, any new light sources in the area would be noticeable. To the extent Commentor questions cumulative impacts, cumulative aesthetic impacts are analyzed in Draft EIR Section 4.1.5. "The cumulative impact assessment for aesthetics considered the cumulative projects list and focused on projects located in areas that could, in combination with the proposed project, affect a viewer or groups of viewers..." This analysis acknowledges that the project and other projects in the vicinity would visibly modify portions of aesthetic character of the Interstate Route 5 corridor and would add small amounts of light and glare to
the area. Similar to the Project-specific analysis, this analysis concludes that while the pattern of development would be consistent with the existing rural mountain character of the region and light and glare would be minimized, modifications would result in significant cumulative aesthetic impacts.


This is a direct quote from the Draft EIR that commenter cites in relation to Comment 25-A2.

Response 25 C2.

Commentor states that Project "up-lighting" will create light pollution. As discussed in the Draft EIR and Response to Comment 25-Q above, the Project will implement extensive lighting restrictions via mitigation measures and the Design Guidelines. Pursuant to the Design Guidelines Lighting Section F(a), their purpose is to curtail and reverse any degradation of the nighttime visual environment and the night sky and to minimize glare and obtrusive light by limiting outdoor light that is misdirected, excessive or unnecessary. Section 4(d) requires all lighting installations to be fully shielded, contain wattage of the lowest amount feasible, and limited to areas that require illumination. In addition, Mitigation Measure 4.1-5 requires that all external lighting fixtures will be permanently hooded or screened. Accordingly, a number of restrictions are in place to ensure that uplighting, if it is ever used at the Project site, will not create light pollution. Commentor is also referred to Response 24-F5 regarding this issue.

Response 25 D2.

This is a direct quote from the Draft EIR that commenter cites in relation to Comment 25-C2.

Response 25 E2.

Commentor requests assurance or clarification that lighting requirements in the Draft EIR will be incorporated into the CC&R's for TMV. This comment correctly suggests that mitigation measures must be enforceable through conditions of approval, contracts or other means that are legally binding, in order to ensure that mitigation measures will actually be implemented. Public Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Mitigation measures may also be incorporated into plans, such as general and specific plans, that provide a legal or policy framework for later projects or approvals. Public Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a). The Specific Plan for the Project does include lighting standards. Additionally, lighting standards for commercial areas have been further clarified in Response to Comment 25-Q and Response to Comment 24-F5, and new Specific Plan text addressing these new lighting standards is described in Chapter 7.2, REVISIONS TO THE PROJECT DRAFT EIR. The lighting requirements in the EIR will thus be legally binding, and further incorporation of these requirements into the CC&Rs is not warranted.

More specifically, the lighting requirements discussed in the EIR are 1) a lighting program in the TMV Specific Plan and Community Plan Design Guidelines; 2) Mitigation Measures 4.1-4, 4.1-5, and 4.1-6; and 3) not lighting the golf courses at night. All of these requirements will be mandatory.

The Design Guidelines are Appendix B to the TMV Specific and Community Plan. Based upon the County approval process, the Project must comply with all applicable development regulations, implementation requirements, and mitigation measures of the Specific Plan and its appendices. Appendix A, "TMV Special Planning District Plan," Sheet 15. In this way, approval of the Specific Plan will include approval of those regulations, restrictions, and design features set forth in the respective plan documents (such as the Design Guidelines), as well as approval of the EIR mitigation measures and the Mitigation Monitoring Plan. See also Kern County Zoning Ordinance, Chapter 19.52.160, stating that
plans within the SP District shall be adopted and approved by ordinance and "shall include all standards and conditions approved in connection with the review of the site application." Once adopted, the Design Guidelines will be enforced by the Master Developer of the Project and will be used by those involved in design, development and construction activities at TMV, and by the Master Developer and/or Master Property Owners Association design review committee in its deliberative process regarding site planning, architecture and landscape architecture. In this way, the lighting program in the Design Guidelines will function like CC&R's, being enforced by an owners association.

Conditions of approval for the Project will incorporate and adopt all EIR mitigation measures. In this capacity, mitigation measures will be mandatory. In addition, the mitigation measures are further mandated via the Project's Mitigation Monitoring Plan. Mitigation Measure 4.1-4 requires that street lighting shall only be provided at intersections. Pursuant to the Mitigation and Monitoring Plan, Kern County Planning Department will verify that this is the case both during site plan review, and in the field during construction. The County Planning Department and Engineering Survey Services Department are responsible for monitoring this mitigation.

Mitigation Measure 4.1-5, requiring the permanent hooding or screening of all external lighting fixtures, shall be included on the list of Design Guidelines. Accordingly, this measure is made mandatory both by incorporation as a Condition of Approval and because it is within the Design Guidelines. The County Planning Department and Engineering Survey Services Department are responsible for monitoring this mitigation.

Mitigation Measure 4.1-6 requires the helicopter pads to be equipped with pilot-activated lighting that will limit the illumination of the helipads to during arrivals and departure and that lighting intensity shall be limited to the minimum levels required by the Federal Aviation Administration. Also, pursuant to the Mitigation and Monitoring Plan, Kern County Planning Department will verify that this is the case both during site plan review, and in the field during construction. The County Planning Department and Engineering Survey Services Department are responsible for monitoring this mitigation measure.

In conclusion, all of the lighting requirements in the EIR will be mandatory, without their inclusion in the CC&Rs.

Response 25 F2.

The comment is an introduction to a series of pictures. The commentor asks the County to look at these pictures as examples of Tejon Ranch Corporation's commitment to installation of fully light-shielded fixtures. Commentor believes that the pictures illustrate Tejon Ranch Corporation's actions and demonstrate why members of the community are frustrated and upset with the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 G2.

Commentor provides photos of Tejon Ranch existing signage. While Tejon Ranch existing signs are presently lighted in accordance with existing Kern County standards, the Project Design Guidelines regarding lighting at the Project site will be more restrictive than the current Kern County standards. In addition, Kern County is currently revising its sign standards to make them more strict. Accordingly, the signs in commentor's photos are not indicative of potential Project aesthetic or light and glare impacts.

Regarding the photo provided, commentor is referred to Response 25-G2.

Response 25 I2.

Regarding the photo provided, commentor is referred to Response 25-G2.

Response 25 J2.

Regarding the photo provided, commentor is referred to Response 25-G2.

Response 25 K2.

Commentor expresses concern regarding the Project's "View Shed language," however it is not known whether commentor is referring to the Design Guidelines or the Draft EIR. Regarding the Project's potential impacts on views, commentor is referred to Responses 25-Q, 25-T, and 25-A2.

Response 25 L2.

Commentor provided a DVD showing a series of views in the Project area. To the extent the DVD shows the baseline environmental conditions against which Project impacts were evaluated, comment noted.

Response 25 M2.

Commentor states that view impacts will affect Interstate-5 motorists, not just local motorists and area residents, and further concludes that these view impacts will adversely affect the local economy. EIR Section 4.1 assesses Project impacts upon the views of both local and non-local motorists (see for example, Viewpoint 1, Highway Users' View versus Viewpoint 2, Private Residential Views). The EIR discusses motorists who use I-5 and Lebec Road, as well as residents who live in the vicinity of the Project site, considering their respective familiarity with views of the Project site, and how this may impact their sensitivity to changes in the view. (EIR Section 4.1) For example, the EIR explains that motorists using I-5 for pleasure may be more sensitive to the surrounding visual environment than those using I-5 for work related trips. (EIR Section 4.1) The EIR concludes that because of the limited amount of proposed development on the Tejon Mountain Village site, the limited views into the site from the I-5 corridor, and the use of Design Guidelines to promote a unified design compatible with the rural setting, aesthetic impacts to scenic vistas from I-5 would be less than significant. This less than significant finding is not based upon the sensitivity of I-5 motorists or their lack of "ownership" of the view. In fact, the EIR also concludes that Project impacts to private residential views will be less than significant, also based upon the limited amount of proposed development on the Project site, the small scale of the development compared to the expansive views, and the use of the Design Guidelines. Draft EIR Section 4.1.

While the EIR points out that residents tend to feel a sense of ownership of the view from their property, there is no actual ownership interest in views, and CEQA is not designed to protect private ownership interests. See Pacifica Homeowners Association v. Wesley Palms Retirement Community (1986) 178 Cal.App.3d 1147, 1152 (as a general rule, a landowner has no natural right to air, light or an unobstructed view, and the law is reluctant to imply such a right); Public Resources Code § 21000; Guidelines § 15131(a) (CEQA is not an economic protection statute). Accordingly, even if Route 5 motorists also feel a sense of ownership of the view from their drive, no such interest is protected under CEQA. Rather, aesthetic impacts of the Project on both motorists and residents are analyzed according to the same
significance thresholds, one of which is whether the Project will have a substantial adverse effect on a scenic vista. While it is not officially designated as a scenic vista, EIR Section 4.1 notes that the view of Castac Lake and its adjacent land uses provides a visual focal point for freeway travelers on Interstate 5, particularly for those who stop at highway rest stops. "Therefore, for this analysis, views from Interstate 5 and the rest stops are considered scenic vistas." (EIR Section 4.1) While only a portion of the Project site is visible from either the Interstate 5/Lebec Road corridor or surrounding properties (the development footprint is only 5,082 of the 26,417-acre site), EIR Section 4.1 analyzes impacts of the Project on these motorists' views. Using a series of visual simulations, the EIR compares the existing vividness, intactness, unity, and overall visual quality of views, with these conditions with the Project. This same process was utilized to evaluate potential impacts from four other viewpoints, including those that may be considered "local", and all were determined to be less than significant. In conclusion, no measurable preference was afforded to residents as compared to Route 5 motorists when evaluating Project impacts.

Response 25 N2.

The commentor accurately quotes directly from the Draft EIR Section 4.1, cited in connection with Comment 25-M2. Comment noted.


Commentor requests clarification of the "ownership of view" concept. As discussed in response M2, there is no actual ownership interest in views, and CEQA is not designed to protect ownership interests. See *Pacifica Homeowners Association v. Wesley Palms Retirement Community* (1986) 178 Cal.App.3d 1147, 1152 (as a general rule, a landowner has no natural right to air, light or an unobstructed view, and the law is reluctant to imply such a right); Public Resources Code § 21000; Guidelines § 15131(a) (CEQA is not an economic protection statute). EIR Section 4.1 merely points out that residents with views of the Project site from their homes may feel particularly sensitive to changes in the view because they are very familiar with the view and tend to feel a sense of ownership of the view from their property, based upon the investment they have in their property. Regardless of this possibly increased sensitivity, aesthetic impacts of the Project on both motorists and residents are analyzed according to the same significance thresholds, and what may be varying sensitivities to the view are neither quantified nor used to adjust potential impacts. (EIR Section 4.1) EIR Section 4.1 considers Project impacts to both I-5 motorists and to existing residents and finds that both are less than significant based upon, among other factors, the limited amount of proposed development on the Project site. In conclusion, "ownership" of view was not taken into account in evaluating Project impacts upon I-5 motorists' views or private residents' views.

Response 25 P2.

The comment is an article reproduced from The Mountain Enterprise entitled, "Mountain Gains New Allies for Ecotourism Development," dated February 23, 2007. The article describes the number of visitors to local recreational resources and notes that the community supports ecotourism in the region. The article includes visitor counts to the Hungry Valley Off-Highway Vehicle Park and Fort Tejon State Historic Park. The Draft EIR contains slightly higher estimated visitor counts for these two recreational resources. See pages 4.14-5 to 4.16-6 of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and of Supervisors for consideration during deliberations on the Project.
Response 25 Q2.

Commentor states its belief that Section 4.3, AIR QUALITY of the Draft EIR does not adequately describe local air quality conditions. CEQA requires an EIR to "include a description of the physical environmental conditions in the vicinity of the project." CEQA Guidelines § 15125(a). The environmental setting must include both a local and regional perspective. Id. The environmental setting must be adequate to permit pre- and post-project conditions. See County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 955.

The Draft EIR includes an extensive discussion of the environmental setting of the proposed Project, which includes information about the topography, wind patterns, temperature, and precipitation of the San Joaquin Valley Air Basin (SJVAB); characteristics of the Mojave Desert Air Basin and the South Coast Air Basin; discussion of ambient air quality status; local monitoring data; identification of existing emission sources and sensitive receptors; and descriptions of the criteria pollutants, other pollutants of concern, toxic air contaminants (TACs), valley fever, and asbestos. Draft EIR at 4.3-1 to 4.3-43. The Draft EIR also includes a detailed discussion of the climate change setting of the Project. Draft EIR at 4.3-43 to 4.3-50. The environmental setting discussion Section 4.3, AIR QUALITY fully complies with CEQA.

Specific concerns raised by commentor are discussed below. However, it is noted that updated air quality monitoring information has become available since the analysis for the Draft EIR was prepared, consisting of monitoring data from 2008, which was not available at the time the Draft EIR was prepared. This new data does not change any of the analysis or conclusions in the EIR, and is provided for informational purposes. The monitoring information has been revised to reflect the most recently-available data. Please refer to Section 7.3, ERRATA TO THE PROJECT DRAFT EIR for the revised tables.

Response 25 R2.

Commentor includes a photograph of the Project area. This photograph has been noted and included in the record for consideration by the decision-maker.

Response 25 S2.

Commentor suggests the Draft EIR's description of wind dispersion of pollutants is inaccurate.

The Draft EIR describes local wind patterns on page 4.3-3. The final paragraph of this section on page 4.3-3, has been expanded and clarified in response to this comment. Section 4.3, AIR QUALITY AND CLIMATE CHANGE, has been revised, as noted below, to reflect comments noted in commentor's letter. These revisions are also included in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.3-3

For the southernmost portion of the SJVAB, steady winds are typical in the mountainous area that characterizes this portion, and quickly disperse air pollutants. However, wind access to the SJVAB from the west and east is limited by the Coastal Range Mountains and the Sierra Nevada Mountains, respectively. In addition, southerly passage of airflow is obstructed by the Tehachapi Mountains. As a result of these geographic conditions, pollutants generated by the proposed project have the potential to contribute to cumulative pollution problems in Kern County and throughout the SJVAB.
Commentor is correct that the monitoring data in the project vicinity support the idea that pollutants in the area do not readily disperse and that local monitoring data demonstrates the region experiences violations of air quality standards.

However, the analysis of mass emissions resulting from the project does not take into account the meteorology of the area, so the conclusions of the Draft EIR's analysis are not affected by this revision to the Draft EIR’s statement regarding pollutant dispersion. In addition, a dispersion analysis was conducted for criteria pollutants, toxic air contaminants (TAC), and diesel particulate matter (DPM). The statement in the Draft EIR regarding dispersion does not affect the conclusions of the dispersion analysis since this analysis was conducted with conservative assumptions regarding wind dispersion and other factors in the region. For example, the CO hot spot analysis assumes a worst case wind angle and wind speed in the Project vicinity to minimize CO dispersion, resulting in maximum estimated concentrations of CO.

Response 25 T2.

Commentor note that the Draft EIR makes several references to the Voluntary Emission Reduction Agreement (VERA) agreed to between the Project applicant and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Commentor notes that community members were unhappy with the process by which the VERA was adopted. Please refer to the Response to Comment 24-L3 regarding the public review process for the VERA.

Commentor also notes that the VERA was entered into prior to the release of the Draft EIR and before the SJVAPCD would know what type of emission reductions are appropriate for the Project. The VERA was approved at a noticed public hearing by the SJVAPCD Board. Commentor is correct that the VERA was entered into prior to the publication of the Draft EIR. However, the VERA commits the Project to fully offset its NOx, VOC and PM10 emissions within the SJVAB, irrespective of the precise total of actual Project emissions. Although the VERA includes a projection of what the Project's emission reduction requirements were estimated to be at the time the VERA was signed, these were simply estimates and do not represent the actual emission reduction requirements for the Project. Required reductions under the VERA will be determined prior to the issuance of each tentative map. The Draft EIR contains the most up-to-date estimates of the required VERA reductions; however the VERA requirements will be reassessed at each stage of development. See Draft EIR at 4.3-99

Response 25 U2.

Commentor expresses its concern that offsite emission-reduction projects being discussed and implemented pursuant to the VERA will not result in local air quality benefits to mountain community residents. The comment has been noted and included in the record for consideration by the decision-maker.

Please refer to the Response to Comment 24-N3 regarding the nature of the VERA emission reduction projects.

Response 25 V2.

Commentor suggests that the Draft EIR improperly relies on the VERA to reduce the Project's criteria pollutant emissions, given that it will be implemented by a third party – the SJVAPCD – over whom the lead agency does not have control. Commentor also expresses concern that it has not seen what other projects will be implemented pursuant to the VERA, other than what is presented in the Draft EIR.
Commentor correctly notes that the Draft EIR discusses the reductions that will result from implementation of the VERA, and also explains that the VERA is a contractual agreement between the Project applicant and the SJVAPCD and, therefore, is not within the County's jurisdiction. As explained in the Response to Comment 24-K3, the VERA represents an enforceable contractual agreement that will result in full reduction of the Project's NOx, ROG and PM impacts within the SJVAB. However, consistent with Section 15091 of the CEQA Guidelines, the Draft EIR recognizes that implementation of the VERA depends upon third parties and, therefore, concludes the Project's ROG impacts within the SJVAB will be significant and unavoidable. As explained in the Response to Comment 24-K3, the Draft EIR includes all feasible mitigation measures, including Mitigation Measure 4.3-1, which commits the Project to reducing its emissions of NOx and PM10 to below 2 tons per year, as verified by the County. Draft EIR at 4.3-105 to 4.3-106. The Draft EIR also includes all other feasible mitigation measures. See Draft EIR at 4.3-113 to 4.3-118, 4.3-128 to 4.3-136.

With respect to emission reduction projects implemented pursuant to the VERA, please refer to the Response to Comment 24-N3.

Response 25 W2.

Commentor notes that some community members do not believe that a project of this scale will not have air quality impacts. The Draft EIR concludes the Project's air quality impacts are significant and unavoidable, notwithstanding the incorporation of all feasible mitigation measures, and the Project applicant's commitment to full reduction of its NOx, ROG and PM emissions through the VERA.

Response 25 X2.

Commentor expresses its concern that the Draft EIR does not include sufficient mitigation for toxic air contaminants (TACs), and notes that the Draft EIR recognizes the risks associated with TACs in general, and diesel soot in particular. Commentor is correct that the Draft EIR discusses the risks associated with TACs, including diesel particulate matter (DPM) (see Draft EIR at 4.3-35 to 4.3-41), and that the Draft EIR recognizes that ambient air quality standards have not been developed for TACs because no safe levels of TACs can be determined. Draft EIR at 4.3-36. However, the Draft EIR also explains that TACs are evaluated based on acceptable risk exposure, and adopts the SJVAPCD's threshold of significance of increased cancer risk for persons with maximum exposure potential by 10 in 1 million, or a noncancer Hazard Index greater than 1 for either acute or chronic exposure. Draft EIR at 4.3-100.

The Draft EIR includes a thorough analysis of TAC impacts, and concludes the Project's impacts are less than significant. Draft EIR at 4.3-140 to 4.3-147. Thus, the Project is not required to adopt mitigation measures. See CEQA Guidelines § 15126.4(a) (EIR must describe feasible mitigation measures to minimize significant environmental impacts). Nevertheless, as explained in the Draft EIR, as a precautionary measure, the Project will include a residential setback of 300 feet from areas with more than one potential source of TACs, and a setback of 500 feet from Interstate 5 for all sensitive land uses, including residential uses. Draft EIR at 4.3-147.

Response 25 Y2.

Commentor suggests that the Project will increase both diesel truck traffic as well as diesel and gasoline automobile traffic. Commentor expresses concern that emissions of criteria pollutants like ozone, as well as TACs (specifically DPM) will not be effectively mitigated by the measures presented in the Draft EIR. As stated by the commentor, I-5 is a heavily trafficked freeway, with a high fraction of diesel truck traffic. Estimates suggest that 10-15 diesel trucks pass through the Grapevine every minute.
The analysis in the Draft EIR evaluated exposure levels of sensitive receptors to TACs (including DPM), criteria pollutants, and criteria pollutant precursors. The analysis concluded that impacts to sensitive receptors would be less than significant. Draft EIR at 4.3-147. This analysis considered operational impacts to potential future residents of the Project. The Draft EIR includes Mitigation Measure 4.3-15, which requires a 500-foot setback from I-5 for all sensitive land uses. TAC impacts to future residents will be less than significant.

The Project will result in increased traffic along I-5, including an increase in Average Daily Traffic (ADT) on I-5. According to the traffic analysis (refer to Section 4.15, TRANSPORTATION AND TRAFFIC), the Project will increase ADT volume by 6% on I-5 in the vicinity of the El Tejon Middle School, the closest sensitive receptor to I-5. TAC emissions sources associated with this increase in traffic from the Project on I-5 include DPM emissions from traveling and idling diesel trucks, as well as automobile traffic associated with the Project’s residents. According to SJVAPCD estimates and EMFAC model data, approximately 1.5% of traffic generated by the Project in 2030 will be diesel vehicles. Based on the estimated increases in ADT volume as presented above, the Project could result in a minor increase in TAC emissions from traffic on I-5 at El Tejon Middle School, which represents the closest sensitive receptor to the proposed Project, of 0.09%. As explained in the Draft EIR, the SJVAPCD threshold of significance with regard to exposure of sensitive receptors to TACs is an increased cancer risk for the person with maximum exposure potential by 10 in 1 million or a noncancer Hazard Index greater than 1 for either acute or chronic exposure. Draft EIR at 4.3-100. This increase in TAC emissions would not result in an increased cancer risk for children or adults at El Tejon Middle School of at least 10 in 1 million. See Draft EIR, Appendix D-6, Table 6 (indicating risk associated with idling truck at a distance of 25 meters is below the lifetime cancer risk threshold; in accordance with SJVAPCD guidance, the Hazard Index level associated with DPM need not be calculated). Thus the Project would not result in significant impacts to off-site sensitive receptors due to DPM emissions.

DPM emissions from existing sources on I-5 are expected to decrease as a result of rules and regulations being developed by the California Air Resources Board (CARB). For example, CARB has approved new regulation to significantly reduce DPM from on-road diesel vehicles operating in California. CARB 2000. All new diesel-fueled on-road motor engines and vehicles sold in California are required to meet both federal and state emission certification requirements. In California, these new standards will reduce DPM emission by about 90% overall from current levels. Existing on-road heavy-duty diesel fueled vehicles are required to meet performance requirements between 2011 and 2023. By January 1, 2023 all vehicles must have a 2010 model year engine or equivalent. This requirement is estimated to achieve an overall DPM emission reduction of 75% from existing vehicles. CARB has proposed a number of additional DPM reduction strategies, including idling restrictions for trucks and buses and emission control requirements for public transit bus and school bus fleets. CARB 2009e.

With respect to ozone impacts, the Draft EIR concludes that, prior to mitigation, impacts of NOx and ROG (ozone precursors) would be significant. The VERA commits the Project to full reduction of its NOx and ROG impacts (as well as PM) within the SJVAB. Commentor is correct that emission reduction projects implemented pursuant to the VERA may occur offsite. However, as ozone is a regional problem, reducing ozone precursor emissions offsite will adequately address the Project's ozone impacts.

In addition, because the VERA was entered into between the SJVAPCD and the Project applicant, and the County does not have jurisdiction over its implementation, the Draft EIR also includes Mitigation Measure 4.3-1, which commits the Project to emitting no more than two tons per year of NOx (as well as PM). Due to the regional nature of ozone, reductions of NOx and ROG achieved pursuant to Mitigation Measure 4.3-1 and the VERA will reduce the Project's ozone impacts throughout the region.
Nevertheless, the Draft EIR still concludes the Project's impacts air quality impacts will be significant and unavoidable.

**Response 25 Z2.**

Commentor notes that the National Cement Plant located in Lebec is an additional source of TACs and suggests that it should be considered in the TAC analysis. As explained in the Draft EIR, although quarry operations associated with the National Cement Plant are within one mile of the Project site, all manufacturing operations are several miles away. In addition, the Project site is separated from the National Cement quarry operations by a ridge, and the equipment used for quarry activities is similar to the equipment that would be used for Project construction activities, which as discussed in relation to Project-specific TACs, would not result in significant TAC impacts. Draft EIR at 4.3-156. Therefore, the Draft EIR properly excluded consideration of the cumulative TAC impacts from the National Cement Plant.

**Response 25 A3.**

Commentor expresses concern that the only sensitive receptor analyzed in the Draft EIR is the El Tejon Middle School. The comment indicates that there are additional sensitive receptors, including the elderly living in Lebec and Frazier Park, mobile homes in Lebec, and future service personnel working at the project site.

The SJVAPCD defines a sensitive receptor as a location where human population, especially children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants, are found. El Tejon School is the nearest off-site sensitive receptor location. Under Impact 4.3-4, the Draft EIR finds that the impact of exposing sensitive receptors to substantial pollutant concentrations is less than significant after mitigation (refer to pages 4.3-138 to 4.3-147 of the Draft EIR). Analyses of exposure levels of sensitive receptors to CO, DPM, and TACs for construction and operations-related emissions showed that exposure levels were below the target levels for all three types of pollutants after mitigation (refer to pages 4.3-138 to 147 of the Draft EIR).

The Draft EIR accounted for both construction and operational emissions of the above pollutants as well as exposure due to DPM for the Project’s impact on traffic on I-5, as required by the SJVAPCD. Construction impacts were modeled using receptors along the boundaries of the active construction areas and at El Tejon School (refer to page 4.3-195, Appendix D5 page 11, and Appendix D6 page 8 of the Draft EIR). Impacts to sensitive receptors in the Project vicinity from pollutant emissions from construction and operations-related activities are evaluated in Appendices D5 through D7. All potential impacts to sensitive receptors will be mitigated to reduce the impacts to a less than significant level.

The Draft EIR indicates that potential off-site residential and worker receptors include people who live and work along I-5, or south of the project in Lebec and Frazier Park (refer to Appendix D5 page 11 of the Draft EIR). These receptors are located farther away than the El Tejon Middle School. Exposure levels of El Tejon Middle School and on-site sensitive receptors to criteria pollutants and TACs are below the thresholds and the screening-level air quality risk assessment showed rapidly declining airborne concentrations with distance from identified sources (refer to page 4.3-146 of the Draft EIR). Consequently, the exposure levels of additional sensitive receptors located farther away than El Tejon School, including the elderly living in Lebec and Frazier Park, mobile homes in Lebec will also be below the target levels and the associated impact will be less than significant.
Commentor also suggests that potential workers at the Project site represent a sensitive population and should be included in the TAC analysis. As explained in Appendix D-6 to the Draft EIR, potential human health impacts to on-site workers, visitors and delivery personnel are expected to be much less than the risks for on-site residents based on the higher exposure duration and exposure frequency of on-site residents. Draft EIR, Appendix D-6, at 8. Therefore, consistent with SJVAPCD guidance, potential human health risks to these populations were not considered in the analysis. Id.

Although the Draft EIR analysis demonstrates that the Project will not result in significant impacts to sensitive receptors, as a precautionary measure, Mitigation Measure 4.3-15 states that a setback area of 300 feet from areas with more than one potential source of TACs shall be required for all residential structures, and a setback area of 500 feet from Interstate 5 shall be required for all sensitive land uses (refer to page 4.3-140 to 4.3-147 of the Draft EIR).

Response 25 B3.

Commentor notes that the Draft EIR did not discuss electrifying the truck stop and rest areas in Lebec as a mitigation measure for toxic air contaminants. Commentor is correct that this was not discussed in the Draft EIR. As explained in the Response to Comment 25-X2, above, the Project will not result in significant TAC impacts and, therefore, no further mitigation is required.

Response 25 C3.

Commentor expresses concerns that implementation of the Project could expose a sensitive population – future elderly residents – to TACs or ozone as a result of outdoor activities made available by the Project. As explained in the Response to Comment 25-X2, above, the Draft EIR includes a thorough analysis of future resident's potential exposure to TACs and concludes these impacts would be less than significant; the Project nevertheless will incorporate setbacks as a precautionary measure.

Commentor is correct that outdoor activities can exacerbate the harmful effects of ozone; this is discussed in the Draft EIR at 4.3-25. The SJVAB is in nonattainment for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for ozone. As discussed in Impact 4.3-2 and 4.3-3, the Project will generate NOx and ROG emissions that can lead to the formation of ozone. However, ozone is a regional pollutant and its health impacts are felt on a regional scale. The Project includes Mitigation Measure 4.3-1, which ensures the Project's NOx and ROG impacts within the SJVAB will be less than significant. In addition, although not relied upon as a mitigation measure in the Draft EIR, the Project applicant has entered a VERA with the SJVAPCD, which will fully offset all regional ozone impacts.

The Draft EIR does analyze potential TAC impacts to future residents of the proposed project under Impact 4.3-4 (refer to pages 4.3-143 to 4.3-147 of the Draft EIR). Although impacts on future residents are expected to be less than significant, as a precautionary measure, Mitigation Measure 4.3-15 requires a setback area of 300 feet from areas with more than one potential source of TACs for all residential structures, and a setback area of 500 feet from Interstate 5 for all sensitive land uses (refer to page 4.3-140 to 4.3-147 of the Draft EIR).

Response 25 D3.

Commentor identifies seven groups living close to the Project site and suggests each one should be considered as a sensitive population, and evaluated for potential TAC impacts. Commentor states that El Tejon Middle School is located approximately one mile from the Project site, and other potential
receptors are as close as 1/2 mile from the site (residents in a trailer parks in Lebec, and established senior communities in Lebec and Frazier Park).

In fact, as discussed in Appendix D-6 of the Draft EIR, El Tejon Middle School is approximately 2,500 (less than 1/2 mile) from the closest potential source of TACs at the Project site. Draft EIR, Appendix D-6, at 8; see also Draft EIR, Figure 4.3-14. The Draft EIR recognize that several sensitive receptors are located in the Project vicinity, including Fort Tejon State Historical Park; a mixture of residential, commercial and light industrial uses along Lebec Road to the west of Interstate 5; residential and other land uses in Lebec and Frazier Park; and a few uses east of Interstate 5, including the Tejon Ranch headquarters, a few residences, El Tejon School, and a Kern County Fire Department station. Draft EIR at 4.3-23; see also Draft EIR, Appendix D-6, at 8-9. However, as the Draft EIR states, El Tejon School is the closest potential sensitive receptor to the Project. See id. Thus, the TAC analysis focused on impacts to El Tejon School; other potential sensitive receptors that are located further from the Project site would be less impacted by TACs than El Tejon Middle School, which the Draft EIR demonstrates would experience a less than significant impact from TACs.

Commentor also suggests that potential workers at the Project site, and "active" future senior residents of the Project should be included in the TAC analysis. With respect to potential workers, please refer to the Response to Comment 25-A3. With regard to future residents, please refer to the Response to Comment 25-C3.

**Response 25 E3.**

Commentor states that endangered species were ignored as a sensitive species that could be effected by air pollution. As explained in the Draft EIR, the SJVAPCD generally defines a sensitive receptor as a location where a *human* population, especially children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollution are found, and where there is a reasonable expectation of continuous human exposure. Draft EIR at 4.3-23. Endangered species are not treated as a "sensitive population" within the meaning of the air pollution issues addressed by CEQA. Rather, effects on animals are accounted for in the national ambient air quality standards (NAAQS) process. The Clean Air Act (CAA) requires the U.S. EPA to establish both primary NAAQS, which are set to protect public health, and secondary NAAQS, which are set to protect public welfare. 42 U.S.C. § 7409. According to the CAA, "public welfare" includes, *inter alia*, animals, wildlife, vegetation, crops, and soils. 42 U.S.C. § 7602(h); see also EPA 2008 at 5 ("For each [criteria pollutant], the Clean Air Act requires EPA to... establish secondary standards that are 'requisite' to protect public welfare from 'any known or anticipated effects associated with the pollutant in the ambient air' including effects on crops, vegetation, wildlife, buildings and national monuments, and visibility.").

The Draft EIR includes a thorough analysis of the Project's potential violation of NAAQS and, therefore, addresses the Project's potential air quality impacts on endangered species. The Draft EIR also analyzes the Project's potential violation of California ambient air quality standards, which are more stringent than NAAQS and, therefore, provide an additional margin of safety for animals. See Draft EIR at 4.3-7. In addition, the Draft EIR thoroughly analyzes the Project's potential biological impacts on endangered species in Section 4.4, BIOLOGICAL RESOURCES.

**Response 25 F3.**

Commentor states that ozone has been documented as being potentially more damaging to plants than to humans, and states that wildflowers may be a potential sensitive population. Commentor offers no evidence to support these statements. However, as discussed in Response E3, above, the Draft EIR
analyses the Project's potential impact on plants and animals through consideration of its potential to violate ambient air quality standards.

**Response 25 G3.**

Commentor expresses concern that the Draft EIR does not discuss studies that show detrimental impacts to humans living along freeways, and states that these studies indicate that negative health impacts are associated with living in proximity to freeways.

The County agrees that detrimental impacts to humans living along freeways are a concern. The CARB recognizes that diesel exhaust and other cancer-causing chemicals emitted from cars and trucks are responsible for much of the overall cancer risk from airborne toxics in California, although air pollution studies show that concentrations of vehicle related pollutants, including diesel particulate matter, decrease dramatically within 300 feet of the roadway. Mitigation Measure 4.3-15 requires a setback area of 300 feet from areas with more than one potential source of TACs for all residential structures, and a setback area of 500 feet from Interstate 5 for all sensitive land uses (refer to page 4.3-140 to 4.3-147 of the Draft EIR). Please refer to Response 12-Y2 and 12-A3, above, for further discussion.

**Response 25 H3.**

Commentor raises concerns that pollution at higher elevations, in particular carbon monoxide, has not been addressed in the Draft EIR.

The commentor correctly indicates that elevation plays a role in the health risks associated with air pollution exposure. Toxicity response to pollutants is a function of pollutant concentration, elevation, temperature, and humidity, amongst other factors. CARB takes these variables into account when determining air quality standards.

Commentor incorrectly states that California has stricter standards for CO at elevations greater than 4,000 ft. CARB has CO standards that apply to Lake Tahoe and to other areas in California, but has not set CO standards for elevations above and below 4,000 feet. In 1976, CARB adopted a CO standard of 6 ppm for eight hours for the Lake Tahoe Air Basin only. In 1982, CARB revised the CO standards to 9 ppm for eight hours and 20 ppm for one hour for the rest of California. CARB 2005 According to CARB, the CO standard in Lake Tahoe only applies to that area, given the geography and mix of sources present, and not to any other high altitude areas in California. Held pers. com. The Draft EIR air quality analysis references the appropriate federal and state air quality standards for the SJVAPCD, as determined by CARB and U.S. EPA.

Commentor notes that vehicles will emit more CO at higher elevations than at lower elevations. The CARB EMFAC model was used to determine pollutant emission factors for the Project. The EMFAC model determines the expected emission factors for regional fleets based on vehicle speed, control technology, analysis year, etc. The EMFAC model does not have different emission rates associated with the elevation at which the vehicle fleet will operate, nor does it allow the user to adjust emission factors as a function of elevation. Although there may be slight changes in air pollution emission rates as a function of elevation, these differences are expected to be minor at the Project elevation compared to the effects of vehicle load conditions. EMFAC does account for vehicle load conditions when estimating vehicle emissions.
Response 25 I3.

Commentor raises concerns about the discussion of mitigation measures on pages 4.3-201 through 4.3-204 of the Draft EIR, and states that these emission reduction measures are encouraged rather than required. This comment refers to the Draft EIR's "Feasible and Reasonable Mitigation Analysis." Draft EIR at 4.3-190 to 4.3-208. Specifically, commenter refers to the analysis of energy efficiency and renewable energy measures.

Commentor is correct that many of the measures discussed are not required to be included in the Project. Rather, the Project has committed to overall energy efficiency of at least 25% below 2008 Title 24 standards, and identifies a variety of measures that can be utilized to achieve this commitment. Please refer to the Response to Comment 24-O3, above. This approach complies with CEQA's mitigation requirements.

Commentor also notes that the Project does not include a commitment to purchasing offsets to net-out all remaining GHG emissions from the Project. Please refer to Global Response 7.5.2, Climate Change, above, for a discussion of GHG emission offsets. The Project fully satisfies its CEQA obligation with respect to GHG mitigation.

Response 25 J3.

Commentor states its belief that the Project does not represent a "smart growth" community and states its belief that the Project should not be approved until additional air quality and climate change mitigation is incorporated. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to the Response to Comment 24-J2 for a discussion of the Project's smart growth attributes.

Response 25 K3.

Commentor states its general assessment that the Draft Environmental Impact Statement (Draft EIS) prepared for the Tehachapi Upland Multi-Species Habitat Conservation Plan (MSHCP) and the EIR prepared for the proposed Project fail to comply with the mandates of the National Environmental Policy Act (NEPA) and CEQA. Commentor believes that these documents used an improper baseline in the No Action/No MSHCP Alternative; do not accurately identify impacts from black carbon, construction and operations, climate change, or induced growth associated with the projects; and fail to provide adequate mitigation for air quality and climate change impacts. The comment has been noted and included in the record for consideration by the decision-maker.

To the extent that these comments raise questions about the Draft EIS or MSHCP and not the Draft EIR, they are beyond the scope of these Final EIR responses to the Draft EIR.

For informational purposes, it should be noted that the "No Action" alternative as defined by NEPA and the "No Project" alternative as defined by CEQA are not equivalent concepts. Under NEPA, the "No Action" alternative represents the consequences of the Federal approval being sought not being obtained, and the "resulting environmental effects from taking no action [are] compared with the effects of permitting the proposed activity or an alternative activity to go forward." CEQ 1987, Question 3. In contrast, under CEQA, the "No Project" alternative represents the "circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved." CEQA § 15126.6(3)(B). The Draft EIR, properly analyzed the "No Project" Alternative in compliance with CEQA. Draft EIR at 6-23 to 6-28.
It should also be noted that the emissions estimates with respect to both criteria pollutants and greenhouse gases (GHGs) presented in the Draft EIR and the Draft EIS are not the same. These discrepancies are discussed below.

Criteria pollutant and GHG emissions for TMV were calculated in both the TMV Draft EIR and the Tehachapi Upland Multi-Species Habitat Conservation Plan Draft Environmental Impact Statement (MSHCP Draft EIS). TMV emissions are presented as the “Proposed MSHCP Alternative” in the MSHCP Draft EIS. It should be noted that page 4.3-2 of the MSHCP Draft EIS states:

Emissions estimates are provided for comparative analysis of alternatives addressed in this EIS and do not represent specific emissions estimates such as would likely occur on a project-specific basis when development plans and construction scenarios (phasing, staging, equipment number and type, construction scheduling) and operational characteristics (trip assignment and distribution, vehicle mix, arrangement of land uses) would be more specifically known.

Thus, as indicated in the Draft EIS, due to limitations in the availability of project specific data, the emission estimates should only be viewed in the context of a relative comparison of the three scenarios presented in the EIS.

**Construction Emissions Comparison:**

A comparison of criteria pollutant and GHG emissions presented in the MSHCP Draft EIS and the TMV Draft EIR and an explanation of the primary causes of discrepancies in emission estimates is presented below. Both the TMV Draft EIR and the MSHCP Draft EIS report construction related emissions for the peak year of construction.

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<th>ROG</th>
<th>NOx</th>
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<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
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<tr>
<td><strong>Construction Emissions</strong></td>
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<tr>
<td>TMV Max – MSHCP DEIS</td>
<td>9.15</td>
<td>22.44</td>
<td>19.98</td>
<td>0.01</td>
<td>5.85</td>
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<td>TMV Max – TMV DRAFT</td>
<td>18.4</td>
<td>119.3</td>
<td>107.1</td>
<td>0.1</td>
<td>238.9</td>
<td>51.8</td>
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<td>EIR (tons/yr)-unmit</td>
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For all criteria pollutants, the TMV maximum emissions reported in the Draft EIR are at least 2 times greater than those reported in the MSHCP Draft EIS. The greater TMV construction emissions can be attributed to two causes: 1) Project-specific data (such as equipment and phasing details) were used to estimate construction emissions in the TMV Draft EIR while no detailed construction data was available during the MSHCP Draft EIS analysis (instead, URBEMIS defaults were used); and 2) Project-specific construction scheduling was used in the TMV Draft EIR (placing the bulk of construction in the early phases of development), while the MSHCP Draft EIS assumed that construction would proceed at an equal rate, continuously for 20 years. It should, however, be noted that the TMV Draft EIR includes detailed mitigation measures that will substantially reduce the criteria pollutant emissions associated with construction of the Project. See Draft EIR at 4.3-119.

Both analyses used a similar approach in estimating construction emissions using URBEMIS (9.2.4). However, a detailed construction phasing schedule and plan was not available for the MSHCP Draft EIS and URBEMIS default settings were used instead. The MSHCP Draft EIS states on page 4.3-1:
While these assumptions are representative for many development projects, use of the default construction assumptions in URBEMIS2007 may over- or underestimate the activity levels associated with actual development under the alternatives. Without additional detailed information about the specific nature of development that would occur, use of the default assumptions is appropriate for a programmatic document like this EIS. However, in using the URBEMIS2007 default assumptions, minor revisions were made in an attempt to simulate higher-than-typical activity levels without deviating significantly from the default assumptions.

The TMV Draft EIR analysis relied on a specific construction schedule including: numbers and types of equipment, dates for specific activities, details on specific phases of construction, number of acres disturbed per construction phase, hours of operation, and construction worker commutes. All of this specific information was entered into URBEMIS. The TMV Draft EIR analysis is more comprehensive and a more realistic representation of construction emissions at the TMV site.

**Operational Emissions Comparison:**

For operational emissions of criteria pollutants, both documents estimated emissions for a single year at project build-out: 2029 for the MSHCP Draft EIS, and 2030 for TMV (refer to MSHCP Draft EIS Tables 4.3-O on page 4.3-20, and TMV Draft EIR Table 4.3-18 on page 4.3-120). The MSHCP Draft EIS and TMV Draft EIR present similar estimates for annual emissions of NOx, CO and PM10. For both SOx and PM2.5, the TMV Draft EIR presents emissions roughly 2 times greater than emissions presented in the MSHCP Draft EIS and about 25% less for ROG. The TMV Draft EIR reflects a more accurate representation of emissions likely to result from the Project because a significant amount of Project-specific data was available on which to base the analysis. The differences between SOx, PM2.5 and ROG arise from Project-specific information and conservative assumptions that were included in the TMV Draft EIR analysis, but were not available at the time the MSHCP Draft EIS analysis was performed. It should, however, be noted that the TMV Draft EIR includes detailed mitigation measures that will substantially reduce the criteria pollutant emissions associated with Project operations. See Draft EIR at 4.3-137.

Operational emissions of GHGs are similar in the two analyses. Table 4.3-Q of the MSHCP Draft EIS (refer to page 4.3-24) and Table 4.3-42 of the TMV Draft EIR (refer to page 4.3-176) display operational GHG emissions for one year of operation at build-out (2029 for the MSHCP Draft EIS and 2030 for the TMV Draft EIR). Total operational emissions of CO2E (metric tons) in the TMV Draft EIR in 2030 are 212,567. Total operational emissions of CO2E (metric tons) in the MSHCP Draft EIS in 2029 are 192,020. The difference in emissions estimates is less than 10%. In general, similar methodology was used for calculating GHG emissions from electricity, waste, natural gas, and mobile sources. Indirect GHG emissions from electricity generation were based on the estimated electrical demand of the Project and Pacific Gas & Electric Company's (PG&E) GHG emissions factor per kilowatt-hour of electricity. Indirect GHG emissions from water supply and distribution to meet water demand from residential and commercial land uses were based on California Energy Commission (CEC) estimates of electrical usage for conveying, treating, and distributing water and PG&E's GHG emissions factor.

The primary difference between the two operational GHG emissions analyses is the methodology used to calculate CH4 and N2O emissions. The MSHCP Draft EIS calculated CH4 and N2O emissions by scaling these emissions with CO2 emissions (estimated with URBEMIS). For the TMV Draft EIR analysis, individual estimations of CH4 and N2O were performed for each source using unique emission factors for CH4 and N2O based on CARB, IPCC, CCAR, U.S. EPA, and other widely accepted GHG inventory methodologies (refer to Appendix D9 of the TMV Draft EIR for further discussion of methodology and protocol). The TMV Draft EIR analysis included GHG emissions from waste generation, wastewater...
treatment and public lighting; these sources were not included in the MSHCP Draft EIS analysis. Secondary differences between the two estimates likely arise from different PG&E emission factors used for electricity (which can vary from year to year) and assumptions made regarding natural gas and propane usage at full build-out (the TMV Draft EIR used Project-specific natural gas and propane usage estimates and the MSHCP Draft EIS used URBEMIS default natural gas usage rates).

Comments related to the Draft EIR are discussed below.

**Response 25 L3.**

Commentor cites to Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. for the proposition that the environmental review process is intended to demonstrate to the public that the lead agency has considered the environmental impacts of its action. (1988) 47 Cal.3d 376, 392. Commentor states this is an especially important process with respect to a project of this size.

Commentor is correct that CEQA emphasizes the importance of providing decision-makers and the public with information about the potential environmental impacts of a project. As recognized in Laurel Heights, when "CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." Id. The Draft EIR fully complies with CEQA's goal of encouraging informed decision making.

**Response 25 M3.**

This comment addresses text that is in the Draft EIS and not the Draft EIR, and thus is beyond the scope of these Final EIR responses to the Draft EIR.

**Response 25 N3.**

Commentor expresses concern that the Draft EIR does not analyze black carbon (BC), which it states is an important short-lived pollutant that contributes to global and regional warming. Please refer to the Response to Comment 24-X3, above.

**Response 25 O3.**

Commentor states that BC is a global warming pollutant because it is highly effective at absorbing solar radiation, absorbs reflected radiation from the surface, reduces the reflectivity of snow and ice when it is deposited on these surfaces, and evaporates low clouds.

Commentor is accurate in its description of BC’s atmospheric effects. All four of these effects lead to positive radiative forcing (i.e. warming). The cited article also describes how BC can lead to negative radiative forcing in the atmosphere, through effects including surface dimming and albedo increases resulting from atmospheric brown cloud formation. Ramanathan and Carmichael 2008. For a more complete discussion, please refer to Response to Comment 24-X3, above.

Commentor states that decreasing black carbon emissions can mitigate the effects of global warming trends in the short term. The study cited to support this claim, Global and Regional Climate Changes Due to Black Carbon, concludes that certain BC control measures can in fact reduce short-term global warming trends. Ramanathan and Carmichael 2008. However, the study focuses on control measures in Asia to reduce BC emissions, including energy-efficient and smoke-free cookers, soot emission reduction technologies for coal combustion in small industries, and replacing biofuel cooking with BC-free cookers.
in South and East Asia. The study concludes that these measures have the potential to reduce BC emissions in South and East Asia by 20-80%. These control measures are not relevant to the U.S., where biofuel cooking does not occur on a widespread basis. In addition, neither biofuel cooking nor coal combustion will occur at the Project site. Consequently, the mitigation recommendations in this study do not apply to the Project.

This study also refers the reader to another article entitled *Can Reducing Black Carbon Emissions Counteract Global Warming?* Bond and Sun 2005. This study states that while mitigation measures in developing countries can in fact reduce BC emissions, they may not result in mitigation of global warming. The study makes the following conclusions regarding mitigation of BC emissions:

1. Most BC is emitted in developing nations where BC mitigation may be practical; industrialized nations produce most of global anthropogenic CO2 emissions, which are predicted to cause long term climate change. Consequently, “reducing GHGs is often a more economical method of reducing climatic impacts.”

2. BC reductions as climate change mitigation are economically impractical and logistically unrealistic.

3. In order to mitigate BC, it needs to be included in baseline emission estimates which is a formidable task.

4. BC mitigation may not affect climate change.

Reducing BC cannot counteract global warming because (i) it behaves differently than greenhouse gases, and decreasing aerosol emissions may not diminish warming; (ii) in countries that have already committed to reducing GHG emissions, mitigating BC appears to be a relatively costly way to reduce warming if only climate benefits are considered; and (iii) in other countries, the relevant emission sources are difficult to address.

These studies demonstrate that there is current uncertainty about whether BC mitigation, even in developing countries, may actually reduce the effects of global warming. If, however, there is any short-term benefit of BC mitigation with regards to global warming, it may be found primarily in developing nations.

**Response 25 P3.**

Commentor indicates that black carbon has a high global warming potential, contributes to global warming, and has regional health impacts. Please refer to the Response to Comment 24-X3, above.

Commentor is correct that black carbon is a “short-lived pollutant” when compared to CO2, which has a residence time of 100 years or more. The atmospheric residence time of BC ranges from 4 to 7 days depending on the region of emissions. Reddy and Boucher 2007. However, since BC is a short lived pollutant, it is likely that it will be more regional in influence than GHG pollutants that mix globally.

Commentor indicates that the GWP of BC is approximately 760 and 2200 times greater than CO2 on 100 and 20 year timescales, respectively. The article cited does not make this claim; in fact, the article states that the GWP of BC ranges dramatically on a regional basis: 374 to 677 with a global mean of 480 for a 100 year time horizon. Reddy and Boucher 2007. The study does not present a GWP for BC on a 20 year time horizon. In addition, this study makes the following conclusion:
The global mean direct and indirect GWP of BC are estimated at 480 and 281, respectively. There are significant variations in GWPs for BC emissions from different regions, especially for the indirect GWP.

Commentor also indicates that BC is the second greatest contributor to global warming after CO₂. Although the article cited does make this claim in its abstract, it does not quantify the contribution of BC with respect to CO₂. Ramanathan and Carmichael 2008. Additional studies presented above demonstrate the uncertainty of connecting BC to global warming (refer to Response to Comments 24-X3, above, for further information).

Commentor states that regional impacts of BC include atmospheric heating and hydrological changes. The article cited refers specifically to regional changes in Africa and Asia, and only discusses regional impacts of BC in North America with regard to changes in arctic sea ice. Consequently, the regional impacts discussed in this study are not applicable to California or the Project site.

Commentor states that BC has a number of negative health effects that are in addition to the health effects associated with PM, and cites to various sources to support this statement. The articles cited do not indicate that the health effects of black carbon are in addition to the health effects associated with particulate matter. In fact, in Mortality Risk Associated with Short-Term Exposure to Traffic Particles and Sulfates, black carbon is used as a surrogate for traffic particles (that is, particles emitted primarily by combustion engines and by brake and road wear), but the observed increase in the mortality rate is attributed to exposure to traffic particulates as a whole, including black carbon, and not solely to black carbon. Similarly, in Testimony for the Hearing on Black Carbon and Climate Change, House Committee on Oversight and Government Reform, United States House of Representatives, the increases in chronic bronchitis, blood pressure, and infant mortality due to pneumonia are attributed to exposure to emissions, of both gases and particulates, resulting from combusting coal or biomass for cooking, and not exclusively to black carbon. Bond 2007.

The health effects of diesel exhaust particulate matter, of which black carbon is one constituent are discussed in the Draft EIR. Draft EIR at 4.3-40 to 4.3-41.

Response 25 Q3.

Commentor states that analyzing PM is insufficient for addressing BC, and that PM refers to the particles that make up atmospheric aerosols. Commentor is correct that analysis of PM does not address the global warming potential of BC. Please refer to Response to Comments 24-X3, above. The Draft EIR appropriately declined to analyze BC.

Response 25 R3.

Commentor indicates that the Draft EIR include black carbon emission reduction strategies independent of PM reduction strategies. Please refer to Response to Comments 24-X3, above.

Response 25 S3.

Commentor indicates that methods to quantify black carbon emissions are available. Please refer to the Response to Comments 24-X3, above.

Response 25 T3.

Commentor indicates that black carbon emissions can be estimated through numerical calculations. Please refer to the Response to Comments 24-X3, above.
Response 25 U3.

Commentor expresses concern that the Draft EIR does not consider the impacts associated with the manufacture of concrete. Commentor also indicates that there are methods for analyzing the lifecycle emissions of concrete manufacture. Please refer to the Response to Comments 24-X3, above, for a complete discussion of embodied emissions.

Response 25 V3.

Commentor states that, because the Project will be constructed over a long period and will at some points involve periods where construction and operations will overlap, the EIR should include analysis of these combined emissions. Commentor further states that peak daily operational emissions should be included in this analysis.

Commentor is correct that the Project will be constructed over the course of several years (though it should be noted construction is estimated to last for 18, not 20, years). Accordingly, and in compliance with SJVAPCD guidance, the Draft EIR includes an intermediary year analysis. Draft EIR at 4.3-125 to 4.3-127. The Draft EIR concludes that the SJVAPCD's thresholds of significance would be exceeded (though this analysis did not consider the imposition of mitigation measures), but that the proposed Project would not substantially contribute to any exceedances of NAAQS or CAAQS during an intermediate year scenario. Draft EIR at 4.3-125.

This analysis incorporates peak construction and operational emissions. However, in order to measure Project emissions against the SJVAPCD's thresholds of significance, emission calculations were made on an annual, not daily, basis.

Response 25 W3.

The comment states that an EIS must discuss how a proposed project could induce growth, either directly or indirectly, by facilitating or removing obstacles to population growth for new development in the surrounding environment. The comment cites to CEQA section 21100(b)(5) and City of Antioch v. City Council of Pittsburg (1986) 187 Cal. App. 3d 1325, 1337. Given the citations to CEQA and California case law, it is likely that the commentor intended to refer to the EIR, not the EIS. While the comment accurately cites to CEQA section 21100(b)(5), which requires consideration of a project's growth-inducing impacts, the cited case stands more for the proposition that the difficulty of estimating future impacts does not excuse a lead agency from preparing an EIR. The Draft EIR includes a thorough analysis of the Project's reasonably foreseeable growth-inducing effects, consistent with CEQA standards and City of Antioch. Please refer to Section 5.5, GROWTH-INDUCING IMPACTS, of the Draft EIR.

Response 25 X3.

The comments states that the analysis of growth-inducing effects must include projects that foster economic or population growth, additional housing projects, or remove obstacles to growth; projects that tax community services or facilities such that new services or facilities would be necessary; or projects that encourage or facilitate other activities which may cause significant environmental effects. The comment cites to and accurately summarizes CEQA Guidelines section 15126.2(d). The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.
Response 25 Y3.

Commenter states that although Project growth-inducement may not be adverse, secondary impacts such as loss of open space, and impacts to air quality and transportation, may be significant and adverse and included in the "EIS". For purposes of this Response it is assumed that the Commentor is referring to the Draft EIR. Growth inducement is considered a significant unavoidable impact at both the Project-specific and cumulative levels as discussed in Draft EIR Section 4.12, POPULATION AND HOUSING. The impacts of such growth are addressed in each topical section of Chapter 4 of the Draft EIR, and the methodology for assessing such cumulative impacts is presented in Section 3.7. Commenter is also referred to Section 5.5, GROWTH-INDUCING IMPACTS, of the Draft EIR, which discusses growth in terms of population growth and related topics.

Response 25 Z3.

The comment states that under NEPA, indirect effects are those "growth inducing effects and other related effects on air and water and other natural systems, including ecosystems," citing 40 C.F.R. 1508.8. This comment addresses a federal statute that is relevant to analysis of the Draft EIS for the TUMSHCP and not the Draft EIR, and is thus beyond the scope of these Final EIR responses to the Draft EIR. The Draft EIR contains a thorough analysis of indirect effects, including the Project's growth-inducing effects on the environment. Please refer to Section 5.5, GROWTH-INDUCING IMPACTS, of the Draft EIR.


Commenter states that GHG emissions from vehicular miles to and from the Project are "indirect" because they are "farther removed in distance," "reasonably foreseeable," and "growth inducing effects" because they result from new developments. Although citations are not provided to the quoted terms, it is assumed that Commenter is seeking further information about how GHG emissions from vehicles travelling to and from the Project were evaluated in the Draft EIR. As discussed in greater detail in Section 4.3, AIR QUALITY AND CLIMATE CHANGE, GHG emissions from vehicles driven to and from the Project are considered direct Project impacts. GHG emissions from such vehicle usage was quantified, and mitigated, as further explained in Section 4.3. This analysis included vehicle trip lengths, which go well beyond the Project boundaries to destinations in Kern and Los Angeles counties.


The comment identifies the NEPA standard regarding adequate analysis of growth-inducing impacts. This comment addresses a federal statute that is relevant to analysis of the Draft EIS for the TUMSHCP and not the Draft EIR, and is thus beyond the scope of these Final EIR responses to the Draft EIR. The Draft EIR contains a thorough analysis of indirect effects, including the Project's growth-inducing effects on the environment. Please refer to Section 5.5, GROWTH-INDUCING IMPACTS, of the Draft EIR.


Commentor states that the EIR should include numerical statistics about the predicted impacts of climate change and cites to the California Climate Change Center report, Our Changing Climate: Assessing the Risks to California from 2006 as the source for a variety of projected impacts from climate change including, temperature, sea level rise, heat wave days and heat-related deaths, critical dry years, ozone formation, electricity demand, wildfire risk, and forest yields. California Climate Change Center 2006. Although the referenced report does describe the potential impacts listed by commentor, the report emphasizes that the precise nature of the impacts associated with climate change will depend upon the warming scenario (i.e., high, medium or low) that transpires in the future. Under a lower emissions
scenario, potential consequences of climate change are expected to be much smaller than under a higher emissions scenario. Other scientific assessments have similarly identified a range of outcomes from climate change, depending upon the specific scenarios that occur. For example, the Intergovernmental Panel on Climate Change (IPCC) has assessed a variety of possible consequences of a range of climate change scenarios. See IPCC 2007a at 17 (summarizing range of potential temperature increases resulting from various climate change scenarios); IPCC 2007d at 7 (summarizing range of global surface warming resulting from various climate change scenarios); IPCC 2007b at 16 (summarizing range of impacts resulting from different temperature changes).

Given the uncertainty in the range of impacts associated with future climate change scenarios, including specific numeric estimates of impacts is inappropriate and highly speculative. Such speculation is discouraged by CEQA. See, e.g., CEQA Guidelines § 15145. The Draft EIR appropriately recognizes potential impacts of climate change without quantifying what those impacts are likely to be. Nevertheless, the referenced report has been added to the record and will be available for review by decision makers.


Please refer to the Response to Comment 25-D4.


Commentor suggests that the higher range of projected impacts should be presented in order to demonstrate to decision makers what would happen under a "business as usual" scenario. Further, commentor suggests that the description of climate change impacts should be supplemented with data from the report of the Committee on Environment and Natural Resources, Scientific Assessment of the Effects of Global Change on the United States (May 2008).

As explained in the Response to Comment 25-E4, above, given the uncertainty in predicting among a range of future climate change scenarios, presenting any particular projected impacts is speculative and misleading. In addition, a variety of efforts are underway to address the impacts of climate change at the state, national and international levels. See Draft EIR at 4.3-63 to 4.3-66, 4.3-177 to 4.3-180. Thus, the likelihood of experiencing a higher-emissions scenario is reduced, but there is also no assurance that a lower-emissions scenario will be achieved, and there is also insufficient scientific certainty about the specific conditions that will trigger each specific level of each specific future impact.

As discussed in the Response to Comment 25-C4, the Draft EIR's environmental setting discussion complies with CEQA and need not be revised to include additional data. Nevertheless, the referenced report has been added to the record and will be available for review by the Planning Commission and Board of Supervisors. It should be noted that this report emphasizes the uncertainty associated with many predicted effects of climate change.


Commentor states that the Draft EIS/Draft EIR fails to analyze the GHGs associated with "Plan-Wide Activities." "Plan-Wide Activities" is a term used to describe activities within Tejon Ranch in the TUMSHCP, and excludes development activities such as the Project. This term is not relevant to the Project, although the potential adoption of the draft TUMSHCP is considered in relevant topical sections of the cumulative impacts analysis in the EIR. Because this comment addresses text that is in the Draft EIS and not the Draft EIR, it is beyond the scope of these Final EIR responses to the Draft EIR but is
noted for the record and will be forwarded to the Planning Commission and Board of Supervisors for their review.


Commentor states that the Draft EIS fails to satisfy NEPA's standard for description of the environmental setting and analysis of GHG impacts. As with the preceding comment, this comment addresses text that is in the Draft EIS and not the Draft EIR, and thus beyond the scope of these Final EIR responses to the Draft EIR.


Commentor states that the Draft EIS must provide adequate mitigation for air quality and climate change impacts, including BC. Although the comment references the Draft EIS, the response that follows addresses the mitigation in the Draft EIR.

With respect to air quality, the Draft EIR describes a number of mitigation measures that will be adopted for the proposed Project. Draft EIR at 4.3-105 to 4.3-106, 4.3-113 to 4.3-118, 4.3-128 to 4.3-136. These mitigation measures cover construction and operational activities and will substantially reduce the criteria pollutant emissions associated with the Project. In particular, Mitigation Measure 4.3-1 requires the Project to ensure it will emit no more than 2 tons per year of NOx or PM10. The Project applicant has also entered into a VERA with the SJVAPCD, which requires the Project to fully offset its NOx, ROG and PM impacts within the SJVAB. As discussed in response 12-V2, above, because implementation of the VERA depends upon action by third parties over whom the lead agency does not have jurisdiction or authority, the Draft EIR nevertheless concludes that ROG impacts within the SJVAB will be significant and unavoidable, and includes all feasible mitigation measures.

The Draft EIR includes an analysis of all mitigation measures suggested by the public, as well as additional suggestions for project mitigation found in newspapers, on web sites, and in other locations, including general suggestions from the Attorney General and environmental groups. Draft EIR at 4.3-189 to 4.3-208. This analysis demonstrates that the Project adopted all feasible mitigation measures, as required by CEQA.

With respect to climate change impacts, please refer to Global Response 7.5.2, Climate Change. The Project adopts its fair share of mitigation to ensure consistency with AB 32's emission reduction mandates, and satisfies its mitigation obligations under CEQA.

Specific mitigation suggested by commentor is discussed below:

- Renewable Power for Electricity Generation: Solar Energy. Commentor states that the feasibility of generating on-site and off-site renewable electricity generation should be explored, including maximization of solar power as a self-generated source of renewable energy. Commentor notes that installation of photovoltaic panels throughout the Project could result in substantial GHG emission reductions.

Commentor cites a variety of sources to support its statements regarding the benefits of photovoltaic panels and jobs produced by the solar industry in California. Commentor is correct that photovoltaic panels result in energy savings, and their installation could create jobs. However, 3.6 MWh of electricity per year is equivalent to a savings of 1,760 pounds of CO₂ from electricity provided by PG&E using the same emission factor used in the Draft EIR to calculate
GHG emissions from the future electricity demand of the Project. Regardless of the specific CO2 savings, installing solar panels on Project residences will reduce the Project’s GHG emissions.

The Draft EIR includes provisions related to renewable power, in particular with respect to solar energy. The Draft EIR requires custom lot owners and builders to exceed 2008 Title 24 building energy efficiency standards by 25% for all residential and commercial buildings. Homeowners and builders can achieve this level of energy efficiency through a variety of measures that includes the installation of photovoltaic panels on rooftops. In addition, all community amenity buildings shall be equipped with active solar energy systems. The Tejon Mountain Village Sustainability Plan also includes a voluntary provision for the adoption of solar design features (refer to Mitigation Measure 4.3-6 on pages 4.3-128 to 4.3-135).

- **Utilize Recycled Materials.** Commentor states that use of recycled materials could lessen the carbon footprint of the Project and should be used whenever possible in constructions and operations.

The Draft EIR includes provisions for use of recycled materials. Mitigation Measure 4.3-5 (refer to pages 4.3-117 to 4.3-118) includes requirements for builders, developers, and custom lot owners with regards to use and recycling of specific construction materials. This mitigation measure requires: a) compliance with recycling measures for construction waste, including waste and unused materials generated during the construction and building process, and existing waste and unused materials on site prior to construction; and b) distribution of information to potential homeowners regarding recycled construction or building materials (refer to Mitigation Measure 4.3-20 on page 4.3-181 of the Draft EIR). The Tejon Mountain Village Master Design Guidelines request that builders and custom lot owners use recycled construction materials.

- **Construction Equipment and Diesel Trucks.** Commentor states that construction equipment greater than 25 horsepower should: (1) meet current emission standards, and (2) be equipped with Best Available Control Technology (BACT), or (3) Use an alternative fuel. Similarly, with respect to diesel trucks, commentor recommends requiring that on-road trucks used at the construction sites: (1) meet current emission standards, (2) be equipped with BACT for emission reductions of PM and NOx, and (3) any trucks hauling materials be fully covered. The following tables present estimates of the vehicle miles traveled for construction worker commutes and construction related activities.

The following measures are presented in the Draft EIR:

1. Mitigation Measure 4.3-4 requires that engines on all construction equipment (including on-road and dump trucks) must be Tier 2 or Tier 3 certified and must be no more than 10 years old or have equivalent emissions of an engine 10 years old or newer (excluding water trucks), diesel particulate filters shall be required on many pieces of equipment, and diesel oxidation catalysts shall be required on all equipment (refer to page 4.3-117 of the Draft EIR).

The Project also promotes the alternative fuel technologies for construction vehicles by including this language in construction bid specifications and weighing the use of alternative fuel technologies in the selection of construction contractors. This measure ensures that all construction equipment and diesel trucks will meet current emission standards, and some will be equipped with BACT or meet Tier 4 standards.
2. Mitigation Measure 4.3-2 requires the applicant to adopt various dust control practices during construction, including the covering of empty and full trucks for offsite transport of bulk materials (refer to pages 4.3-113 to 117 of the Draft EIR). This ensures that any trucks hauling materials will be fully covered while operating off-site (as recommended by the commentor).

- Preferential Contracting with Clean Truck Companies.

Commentor recommends contracting with the “cleanest” truck companies for construction activities. As described above, the Draft EIR includes many requirements regarding trucks and other equipment used during Project construction. In particular, Mitigation Measure 4.3-4 provides that use of alternative fuel technologies for construction vehicles will be promoted by including this language in construction bid specifications and weighing the use of alternative fuel technologies in the selection of construction contractors.

- Generators

Commentor suggests that all generators used during construction should meet current off-road engine NOx standards, meet a 0.01 grams per break-horsepower hour standard for PM, and be equipped with BACT related to PM. Generators are not included in the current list of construction equipment for the Project, and are not anticipated to be used during Project construction. Should generators be used during construction activities, the appropriateness of the suggested control measures will be considered.

- Special Precautions Near Sensitive Sites.

Commentor suggests that all equipment operating on a construction site within 1,000 feet of a sensitive receptor must either meet Tier IV standards, install ARB-verified “level 3” emission controls to reduce PM emissions by at least 85%, or notify each sensitive receptor site in writing at least 30 days prior to commencement of construction activities. The Draft EIR requires most construction equipment to be equipped with diesel particulate filters which will reduce PM10 and PM2.5 emissions by 85% (refer to Appendix D4 Tables 1, 2, and 28 on pages 2 to 3 and 17 to 18 of the Draft EIR).

Construction of the proposed Project will not take place within 1,000 feet of any existing sensitive receptors. However, El Tejon Middle School represents a sensitive receptor that is approximately 1,500 feet from the Project site. In order to address commentor's concerns, Mitigation Measure 4.3-15 has been revised as follows. A radius of 1,500 has been selected because of the tendency of TACs to rapidly disperse beyond this distance. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR. (This mitigation measure has been revised to reflect concerns raised by the El Tejon Unified School District as well. Please refer to Comment Letter 15.)

**Measure 4.3-15**: Construction activities within 1,500 feet of any school will be limited to after-school hours, weekends, or times when the school is not occupied unless a written agreement is provided from the school district allowing for other hours.

At least 14 days prior to the commencement of any construction activity that would take place within 1,500 feet of El Tejon Middle School, the Project applicant shall provide for El Tejon Unified School District's review and comment on a Construction Operations Plan.
Plan that identifies the activities to be undertaken, the type of equipment to be used, and the scheduled hours of use for each type of equipment.

A setback area of 300 feet from areas with more than one potential source of TACs shall be required for all residential structures. A setback area of 500 feet from Interstate 5 shall be required for all sensitive land uses.


Commentator states that Castac Lake must be included in the Draft EIR, and makes several additional points about the lake. Castac Lake is included in the Draft EIR. Please refer to Global Response 7.5.1, Castac Lake.


The comment states that many alterations to biological mitigation measures must be made to the current form of the Draft EIR. The comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR, other than to state that mitigation measures must be revised. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 L4.

The Commentor recommends the formation of a permanent Community Team Task Force composed of local interested citizens. This Task Force would conduct site visits and coordinate with the Tejon Mountain Village Conservation Manager and other officials of the Tejon Mountain Village Property Owner’s Association to ensure compliance with biological mitigation measures. This Task Force would address biological Mitigation Measures 4.4-1 through 4.4-46.

Mitigation Measures 4.4-1 through 4.4-6, 4.4-8 through 4.4-12, 4.4-14, 4.4-16 through 4.4-22, 4.4-24, 4.4-25, 4.4-27 through 4.4-30, and 4.4-32 through 4.4-46 of the Draft EIR require compliance oversight by the Conservancy Manager, Geological Hazard Abatement District Manager, Property Owner’s Association, Property Owner’s Association Manager, Project Biologist, and Project Conservation Manager. These entities are ultimately responsible to the County of Kern for compliance with the mitigation required by this EIR, and are described in Section 4.4, BIOLOGICAL RESOURCES, pages 4.4-77 and 4.4-78:

The analysis of biological resources in the Draft EIR includes reference to several entities that would be responsible for implementing identified resource protection measures during the project’s construction period and subsequent operation. The Tejon Mountain Village Specific Plan and Tejon Mountain Village Special Plan No. 1, Map 256 include goals and policies that reference the following entities:

- **Master Developer.** Master developer refers to Tejon Mountain Village, LLC, and its successors or assignees.
- **Project Biologist.** The Project Biologist refers to the person or entity responsible for the implementation of development design review to protect onsite resources and responsible for the implementation of construction-related biological mitigation measures. The Project Biologist would be hired and funded by the Master Developer.
Conservancy Manager. The Conservancy Manager would be responsible for implementation of the long-term maintenance and monitoring activities within the portions of the project open space that would be managed by the Tejon Ranch Conservancy (Conservancy). The Conservancy’s responsibilities and functions are described in the Tejon Mountain Village Resource Management Program attached in Appendix C of Appendix B-1.

Geologic Hazard Abatement District. A Geologic Hazard Abatement District (GHAD) is a public agency funded by Project owners to manage designated tasks, including those that are important to biological resources and open space management such as stormwater protection, such as Mitigation Measures 4.8-10 and 4.8-13.

Property Owners’ Association. The Property Owners’ Association (POA) refers to an entity that would be established by the Master Developer to fund and assume responsibility for long-term management and maintenance functions not subject to management by another entity. All project property owners would be members of the POA and would be subject to assessments as required to fund the POA’s obligations.

Property Owners’ Association Manager. The POA Manager would be hired by the POA and would be responsible for implementation of the long-term maintenance and monitoring activities within project open space not managed by the Conservancy or other entity. The POA Manager’s responsibilities are described in the Tejon Mountain Village Framework Resource Management Plan attached in Appendix C of Appendix B-1.

Project Conservation Managers. The Project Conservation Managers refer to the Conservancy Manager and the POA Manager.

As Mitigation Measures 4.4-12, 4.4-13, 4.4-23, 4.4-26, and 4.4-31 are written in the Draft EIR, these mitigation measures require compliance oversight by the County of Kern as a result of approving the Specific Plan and processing tentative maps.

Kern County maintains jurisdiction and oversight responsibility under the Mitigation Monitoring Program even for mitigation measures that are also assigned to another agency. For example, Mitigation Measure 4.4-7, identifies the USFWS, and Mitigation Measure 4.4-15 identifies the RWQCB, as responsible agencies with oversight over these particular mitigation measures. These agencies, along with others such as the California Department of Fish and Game, would also have direct jurisdiction to enforce their own permits or other approvals. CEQA also establishes a comprehensive Mitigation Monitoring Plan requirement, described in Response to Comment 20-B, which among other components provides to the public information about mitigation measure implementation and compliance.

Given this level of oversight, it is not anticipated that a permanent Community Team Task Force is necessary to ensure implementation of the mitigation measures.

Response 25 M4.

Commentor states that the CC&Rs should be fully developed and presented as part of the CEQA EIR process. Although the EIR may generally reference or contemplate the Project's CC&Rs, CEQA does not require that the CC&Rs be prepared and included within the EIR. CEQA Guideline 15120. Please refer to the Response to Comment 25-C7, which addresses this same issue. Furthermore, CC&R’s contain many sections that are specifically tailored to the site or architectural characteristics of the Project. At this point in time, it would be impossible to prepare complete CC&R’s.
Response 25 N4.

The Commentor recommends that biological mitigation measures be addressed in the CC&R's, including Mitigation Measures 4.4-1, 4.4-3, 4.4-8 through 4.4-14, 4.4-16 through 4.4-23, 4.4-26, 4.4-27, 4.4-36, and 4.4-37.

The Mitigation Measures that the Commentor have recommended be included in the Tejon Mountain Village CC&R’s will be implemented by a variety of entities, including the Tejon Ranch Company, Tejon Mountain Village LLC, the Conservation Managers, the hotel and commercial operators and the Property or Homeowner’s Association Manager. Only the Property or Homeowner’s Association members are subject to the CC&R’s. As such, only those mitigation measures that are the responsibility of the Property or Homeowner’s Association can be included in the CC&R’s. Several of the Mitigation Measures include requirements that apply to one or more organization.

The following Mitigation Measures or portions of the Mitigation Measure cannot be included in the CC&R’s since they include requirements that are not the responsibility of the Property or Home Owner’s Association:

Mitigation Measure 4.4-1, restrictions on guided hunting and the prohibition of lead ammunition on guided hunts; Mitigation Measure 4.4-3, preparation of condor education materials for construction crews, work crews, residents and guests by the Project applicant, implementation of condor protection measures by Conservation Managers and recordation of requirements related to condor protection in the CC&R’s for each private parcel in Tejon Mountain Village; Mitigation Measure 4.4-8, pre-construction meetings and grading or infrastructure contractor coordination by the Project Biologist; Mitigation Measure 4.4-9, review of the Project Grading Plans and Storm Water Pollution Prevention plans by the Project Biologist; Mitigation Measure 4.4-10, fugitive dust controls during construction; Mitigation Measure 4.4-11, preparation of construction documents for trails and restrictions on trail locations; Mitigation Measure 4.4-12, recordation of a deed or easement restricting development in open space; Mitigation Measure 4.4-13, preparation of a Resource Management Plan prior to the dedication of open space; Mitigation Measure 4.4-14, preparation and implementation of the Integrated Pest Management Plan for hotel and commercial areas and preparation of the Integrated Pest Management Plan for residential common area; Mitigation Measure 4.4-16, plan check and pre-planting, inspection of common area plants by the Project Biologist; Mitigation Measure 4.4-17, trapping of feral cats and dogs by Conservation Managers; Mitigation Measure 4.4-18, implementation of conservation education and signage by the Conservation Managers; Mitigation Measure 4.4-19, direction and monitoring of habitat and recreational activities by the Conservancy Manager and direction and monitoring of grazing activities by the Tejon Ranch Company; Mitigation Measure 4.4-20, preparation of a golf course maintenance plan and Integrated Pest Management Plan; Mitigation Measure 4.4-22, pre-construction surveys for special-status birds; and Mitigation Measure 4.4-27 pre-construction nesting surveys in fuel modification zones by the Project Biologist.

The following Mitigation Measures or portions of a Mitigation Measure could be considered by decision-makers as additions to the CC&R’s: Mitigation Measure 4.4-16, restrictions of the use of invasive plants by property owners; Mitigation Measure 4.4-17, dissemination of educational material concerning pets, wildlife and open space, and restrictions on un-leashed pets on trails; Mitigation Measure 4.4-18, Property or Home Owner’s Association management responsibilities related to trail head signage in sensitive areas; litter removal on trails; limitations on trail expansions; monitoring of fire hazards in open space and dissemination of educational information on wildlife; Mitigation Measure 4.4-19, Property or Home Owner’s Association responsibilities related to habitat and recreational activities; Mitigation Measure 4.4-21, management of fuel modification zones per the Fire Protection Plan; Mitigation Measure 4.4-23,
establishment of Special Management Areas; Mitigation Measure 4.4-26, exterior lighting limitations; and Mitigation Measure 4.4-27, pre-maintenance nesting surveys in fuel modification zones by the Property Manager.

The following Mitigation Measures currently include a requirement that certain text be included in the CC&R’s: Mitigation Measures 4.4-3 and 4.4-4, compliance with condor protection measures; Mitigation Measure 4.4-14, implementation of the Integrated Pest Management Plan for common areas, prohibition on the use of anticoagulants for rodent control and dissemination of education material to property owners on the proper use of pesticides; Mitigation Measure 4.4-16, property owner requirements related to the use of low-moisture irrigation regimes within 100 feet of open space; Mitigation Measure 4.4-36, animal and weather proof lids requirements on trash cans; and Mitigation Measure 4.4-37, prohibition of non-native plant seeds in horse feed.

Commentor believes that the following biological resources mitigation measures should be addressed in the CC&R’s: Mitigation Measures 4.4-1, 4.4-3, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-36, and 4.4-37.

Several mechanisms are available for enforcing implementation of mitigation measures. Although CC&Rs is one form of ensuring enforcement of mitigation measures, other options are available as well. Ultimate responsibility for enforcement is through County review of future entitlement requests, such as tentative tract maps, site plans and grading permit conditions of approval. Mitigation Measure 4.4-1 will be a tentative tract map condition and enforced by the Property Owners Association limiting hunting within the project to guided hunts. Mitigation Measures 4.4-3 and 4.4-37 already include language stating that the mitigation measures will be enforced through CC&Rs. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, and 4.4-22 apply to future grading operations and will be enforced through tentative tract, site plan and grading permit conditions of approval, as well as grading contract terms/conditions and land sale agreements. Mitigation Measure 4.4-11 applies to common open space areas and will be enforced through tentative tract conditions of approval and enforced through the Property Owners Association. Mitigation Measure 4.4-12, 4.4-13 and 4.4-16 will be enforced through tentative tract map conditions of approval. Mitigation Measure 4.4-14 and 4.4-20 will be enforced through site plan conditions of approval. Mitigation Measure 4.4-17, 4.4-18, 4.4-19, 4.4-21, 4.4-23, 4.4-26, 4.4-27, and 4.4-36 will be enforced through the Property Owners Association and will be included in Project CC&Rs. In addition, all mitigation measures will be included in the Mitigation, Monitoring and Reporting Program (MMRP) that must be approved for Project approval. Please refer to Response to Comment 20-B regarding the MMRP process.


Commentor states that the proposed Project would create a threat to the recovery of the California condor, notes that Tejon Ranch has been an essential part of condor habitat, states that the proposed condor conservation plan fails to protect condors, that the establishment of supplemental feeding stations, per Mitigation Measure 4.4-6, is inconsistent with the recovery of the species, and notes that several notable condor biologists have rejected various condor measures in the TUMSHCP and the Draft EIR.

Please refer to Global Response 7.5.3 and Response to Comments 24-Q5 and 24-R5.

Commentor states that construction regulations should apply to all building construction and land improvements, not simply backbone construction. Commentor specifically refers to Mitigation Measures 4.4-8 and 4.4-9.

Construction requirements for the Project do apply to all construction activities. For example, Mitigation Measure 4.4-9 states that the measure applies to all grading plans and is a condition of all building construction and land improvement including private dwelling development. This measure is designed to apply the requirements of Mitigation Measure 4.4-8 as applicable to the development of future private dwelling units.

Response 25 Q4.

The comment states that all building sites must be identified in the EIR, particularly for large acreage lots because the area on those lots outside of the building envelope have been counted as open space. The comment also states that the exact location of open space areas needs to be analyzed for environmental impacts as part of the CEQA process. As described in Chapter 3 of the Draft EIR, PROJECT DESCRIPTION, no more than the 5,082-acre building area within the development envelope would be affected by development. Approximately 2,785 acres within the development envelope would be preserved as undeveloped open space, thus ensuring that 21,335 acres of the project site remain undeveloped. An accurate, up-to-date statistical summary of all development that occurs within the Project site is also required, as is an annual report of the total amount and location of development. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.


The comments states that the Project's request for deviation from the Kern County General Plan 25% slope restriction should be denied. The comment is an opinion, and is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 S4.

Commentor suggests that any planned golf course be required to obtain certification with Audubon International as a golf course sanctuary. Commentor references Mitigation Measure 4.4-20, which requires preparation of a golf course maintenance plan. Commentor notes that the only golf course in the area – Pine Mountain Club – has received this certification. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

The Audubon Cooperative Sanctuary Program for golf courses is intended to help golf courses protect the environment and preserve the natural heritage of the game of golf by enhancing natural areas and wildlife habitat and minimizing harmful impacts from golf course operations. It should be noted that, while Pine Mountain Club is working to obtain this certification, it has not yet been received.

Although the Project's golf courses are not required to obtain certification with Audubon International as a golf course sanctuary, the Draft EIR includes many requirements for Project golf courses that will provide a comparable level of protection. For example, Mitigation Measure 4.4-20 requires preparation of a golf course maintenance plan, which will include procedures to control impacts to stormwater quality and groundwater quality as a result of golf course maintenance practices, including irrigation and use of
fertilizers and pesticides; Mitigation Measure 4.4-14 requires preparation of an integrated pest management plan; Mitigation Measure 4.4-21 requires preservation of natural vegetation, setbacks from watercourses, use of native and drought tolerant vegetation, minimization of golf cart path widths, design standards for impervious areas, capture of run-off, requirements for design of greens including under drains and smart irrigation controllers; Mitigation Measure 4.8-22 requires development of a spill prevention and control plan; Mitigation Measure 4.8-23 requires preparation of a landscape management plan; and Mitigation Measure 4.8-24 requires development of a training manual for golf course employees and managers. In total these mitigation measures provide a comprehensive strategy for addressing the potential impacts associated with construction and operation of the proposed golf courses.


The Commentor states that protective measures during the bird nesting season should apply to all species covered by the Migratory Bird Treaty Act, and not just special-status species, as described in Draft EIR Mitigation Measures 4.4-22 and 4.4-27.

Mitigation Measure 4.4-22 specifically addresses species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the DFG or USFWS, referred to as “special-status” species in the Draft EIR. This measure requires avoidance of nests and setbacks from the nests during ground-disturbing activities. Mitigation Measure 4.4-27 addresses native birds and requires avoidance of nests and setbacks from the nests during fuel modification activities.

With respect to biological resources (including birds), the Kern County CEQA Implementation Document and Kern County Environmental Checklist states that a project could potentially have a significant effect if the project has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the DFG or USFWS. Mitigation Measures 4.4-22 and 4.4-27 avoid and minimize impacts to species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the DFG or USFWS.

The Project is required to comply with all applicable laws, including federal laws such as the Migratory Bird Treaty Act, which prohibits the “take” of any migratory bird or any part, nest, or eggs of any such bird that is listed in the Code of Federal Regulations (50 CFR 10.13) of the Migratory Bird Treaty Act.

Response 25 U4.

Commentor notes that Castac Lake must be included in the EIR. As noted in greater detail in Global Response 7.5.1, Castac Lake is extensively described and evaluated in the Draft EIR. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.


The Commentor states that biological Mitigation Measure 4.4-40 describes in great detail measures to address the occurrence of bald eagle. The letter also states that bald eagle might have been present during winter at an intermittent lake but certainly not as a breeding species. The letter states that Castac Lake has been transformed without benefit of the permitting process, creating environmental issues for the Tejon Mountain Village Project. The letter states that Castac Lake is part of the proposed Project and needs to be included in the CEQA process.
The Commentor is correct that biological Mitigation Measure 4.4-40 addresses the occurrence of bald eagle, and that bald eagle occurrence data indicate the bird is a winter visitor and is not expected to breed on site.

As described in Draft EIR Section 4.8.2, ENVIRONMENTAL SETTING, at page 4.8-4, the Tejon Ranch Company has been maintaining the Castac Lake surface at approximately 3,503 feet since 2001. This activity is considered to be an existing condition, and is not considered to be an element of the proposed Project Description. Please refer to Global Response 7.5-1 for further information about Castac Lake.


Please refer to Section 7.5.1, Global Response regarding Castac Lake.

Response 25 X4.

Commentor correctly states that oversight is required to ensure that mitigation measures described in the EIR, including biological mitigation measures, are complied with during project implementation. Pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a), when approving a project that contains mitigation measures, the lead agency must adopt a mitigation monitoring or reporting program. Mitigation monitoring and reporting is designed to implement one of CEQA's fundamental purposes – to reduce significant effects when it is feasible to do so. Public Resources Code §§ 21002; 21002.1(a)-(b). Mitigation monitoring ensures that measures will actually be implemented. See e.g. Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261. Pursuant to CEQA law and County procedures, if it approves the Project the County will approve the Mitigation Monitoring Plan, which identifies, "Responsible Monitoring Agency," "Time Frame for Implementation," and "Steps to Compliance," for each mitigation measure. (Exhibit C, Table 1-2, Mitigation Monitoring Program for Tejon Mountain Village Draft Environmental Impact Report).

Neither the Public Resources Code nor the CEQA Guidelines specify the required frequency or duration of the monitoring, nor do they specify detailed requirements for the specific content of mitigation monitoring or reporting programs. Agencies have substantial flexibility in adopting monitoring and reporting programs. See Rio Vista Farm Bureau Center v. County of Solano (1992) 5 Cal.App.4th 351, 380 (upholding a mitigation monitoring program as legally sufficient under the rule of reason). However, the frequency and duration of monitoring will, to some extent, be controlled by agencies' obligation to ensure that mitigation measures are implemented pursuant to Public Resources Code Section 21081.6(a)(1) and that mitigation measures are fully enforceable pursuant to Public Resources Code Section 21081.6(b). The frequency and duration of oversight will vary according to the requirement or measure at issue and when it is required to be implemented. See CEQA Guidelines § 15097(c)(3) (stating that "monitoring ensures that project compliance is checked on a regular basis during and, if necessary after implementation").

For example, compliance with condor protection measures will be implemented by means of covenants, conditions, and restrictions (CC&Rs) recorded on each of the private parcels within the Tejon Mountain Village Specific and Community Plan or by similarly enforceable measures. (Exhibit C, Mitigation Monitoring Plan, Mitigation Measure 4.4-3.) Oversight of this measure (by Kern County Planning Department, Qualified Environmental Education Specialists, California Department of Fish and Game, and U.S. Department of Fish and Wildlife) must ensure that this compliance will be implemented via the CC&Rs.

The Commentor state an opinion that the Draft EIR is lacking an overview approach to environmental protection, and that the proposed Project occurs within a significant California biological resource region. The letter states that in hardly any other place in North America do five bioregions meet, as is the case at the Tejon Mountain Village Project site. The letter notes the extreme need for wildlife and wild plant corridors in this area, to accommodate gene flow. The letter states that the TU MSHCP casually promotes the take of 27 special-status species. The letter states that the special-status species are scattered indiscriminately through the list of biological mitigation measures in no apparent sensible grouping or order and without an overview.

As described in Draft EIR Section 4.4.2, Environmental Setting, pages 4.4-1 and 4.4-2, the Tejon Mountain Village Project site is located where four California Floristic and Desert Provinces meet: Southwestern California, Sierra Nevada, Great Central Valley, and Mojave Desert. The Tejon Mountain Village Project site is also described as occurring in the vicinity of six sections defined within the Humid Temperate Domain and the Dry Domain: Sierra Nevada, Sierra Nevada Foothills, Great Valley, Central California Coast Ranges, Southern California Mountain and Valley, and Mojave Desert.

4.4.2 Environmental Setting

Physical Setting

Biogeographical and Ecological Setting

The Tejon Mountain Village project site is located at the intersection of several biogeographical regions (Figure 4.4-1) within the California Floristic and Desert Provinces. The California Floristic Province regions closest to the site are the Southwestern California, Sierra Nevada, and Great Central Valley regions. A portion of the site’s western edge lies within the Western Transverse Ranges District of the Transverse Ranges Subregion of the Southwestern California Region. The majority of the Tejon Mountain Village site lies within the Tehachapi Mountain Area Subregion of the Sierra Nevada Region; this subregion, which is not further subdivided at the district level, is most characteristic of the project site. The Tehachapi Mountain Area Subregion is described by University of California (2007) as supporting “floristic elements of all surrounding geographic units.” In particular, the eastern–southwestern boundary with the Mojave Desert Region is considered indistinct. While no portion of the Tejon Mountain Village site lies within the Great Central Valley Region, the San Joaquin Valley Subregion, which is not further subdivided at the district level, approaches the site’s northern edge. No portion of the Tejon Mountain Village site lies within the Desert Province, although the Mojave Desert Region, which has no designated subregions or districts near the Tejon Mountain Village site, approaches the site’s southwestern corner.

At the highest level of ecological classification, California is divided into the Humid Temperate Domain and the Dry Domain. These domains are progressively divided into divisions, provinces, sections, and subsections. In the vicinity of the Tejon Mountain Village ecological classification, sections include Sierra Nevada, Sierra Nevada Foothills, Great Valley, Central California Coast Ranges, Southern California Mountain and Valley, and Mojave Desert (Figure 4.4-2). The Tejon Mountain Village site lies completely within the San Emigdio Mountains Subsection of the Sierra Nevada Foothills Section. USDA 1997.
The San Emigdio Mountains Subsection includes the San Emigdio Mountains, the southwest end of the Tehachapi Mountains, and the southern portion of the Great Central Valley. The southern boundary of the subsection is defined by the San Andreas Fault. USDA 1997.

The Draft EIR provides an extensive analysis of habitat linkages and wildlife corridors in the Project region (see Impact 4.4-4 on pages 4.4-424 to 4.4-442). This impact analysis includes: (1) a description of existing wildlife movement patterns based on a camera study, including potential barriers to movement such as Interstate 5; (2) on-site wildlife habitat use in relation to frequent Interstate 5 crossing points; (3) the potential impacts of the Project on the movement of existing native resident and migratory species through the Project landscape based on comparable wildlife movement studies; and (4) the potential impacts of the Project on wildlife movement based on theoretical computer models. Based on this analysis, the Draft EIR determined that the Project would have a less-than-significant effect on native resident and migratory wildlife movement and therefore would not destroy crucial linkages to other preserved lands, eliminate wildlife corridors, or fragment the watershed.

The comment is correct that the Draft EIR acknowledges that a habitat conservation planning effort (the TUMSHCP) is currently underway, addressing take for certain of 27 special-status species, and includes the proposed Project site as a Covered Activity, as described on page 4.4-448 of the Draft EIR.

While each mitigation measure may mitigate impacts for, or benefit, various combinations of special-status species, the impacts and mitigation measures are summarized by taxonomic group (plants, invertebrates, amphibians, reptiles, birds, and mammals) in Table 4.4-153 of the Draft EIR. Table 4.4-153 summarizes the following information with respect to special-status species: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate impact/benefit that species, and the significance of the impact after mitigation.


The Commentor state that the proposed Project should be rejected based on a failure to adequately acknowledge and mitigate for the intrusion into a major California natural resource area.

As indicated in the Response 25-Y4, and described in Draft EIR Section 4.4.2, pages 4.4-1 and 4.4-2, the Draft EIR acknowledges that the Tejon Mountain Village Project site is located where four California Floristic and Desert Provinces meet: Southwestern California, Sierra Nevada, Great Central Valley, and Mojave Desert. The Tejon Mountain Village Project site is also described as occurring in the vicinity of six sections defined within the Humid Temperate Domain and the Dry Domain: Sierra Nevada, Sierra Nevada Foothills, Great Valley, Central California Coast Ranges, Southern California Mountain and Valley, and Mojave Desert.

The significance criteria used to evaluate impacts to biological resources can be found in Draft EIR Section 4.4.4, on page 4.4-78. While the significance criteria do not specifically address intrusion into a major California natural resource area, the significance criteria do address impacts to sensitive natural communities, as identified in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-2).

Thresholds of Significance

The Kern County CEQA Implementation Document and Kern County Environmental Checklist state that a project could potentially have a significant effect if it:
- Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as being a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-1);

- Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-2);

- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Impact 4.4-3);

- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites (Impact 4.4-4);

- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Impact 4.4-5); or

- Conflicts with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (Impact 4.4-6).

Impacts to vegetation communities are discussed in Draft EIR Table 4.4-157 on pages 4.4-410 through 4.4-416 and in Project Impacts on Vegetation Communities on page 4.4-380. Table 4.4-157 summarizes the following information with respect to special-status vegetation communities: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

In summary, the Draft EIR fully acknowledges the presence and value of biological resources within the proposed Project area, discloses impacts to those resources resulting from Project implementation, and identifies measures to avoid, minimize, and mitigate those impacts.

Response 25 A5.

The Commentor state that the Draft EIR uses the Tejon Ranch Conservation and Land Use Agreement as a substantial argument for the proposed Project having a less-than-significant cumulative effect on special-status species.

The Draft EIR does not use the Tejon Ranch Conservation and Land Use Agreement as a “substantial argument” for the proposed Project having a less-than-significant cumulative effect on special-status species. Rather, the Conservation and Land Use Agreement is appropriately characterized in the Draft EIR as one of the past, present, or reasonably foreseeable projects considered in the cumulative analysis, together with other cumulative projects such as the Draft TUMSHCP, Tejon Industrial Complex, Centennial, and Frazier Park Estates projects. As stated in the Draft EIR, the Tejon Ranch Conservation and Land Use Agreement has been executed by all parties and is appropriate to include among the projects considered in the cumulative analysis of effects on biological resources. As discussed in Draft EIR at pages 4.4-451 and 4.4-452, the projects identified in the cumulative analysis would result in both conservation and loss of special-status species. In combination, conservation and other measures incorporated in the cumulative projects would result in less-than-significant cumulative effects to special-status species.
Response 25 B5.

The comment includes an accurate quote from page 4.4-452 of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 C5.

Commentor states that more then 25% of the Ranchwide Agreement's conserved lands, or about 62,000 acres, are slated to come from options to purchase conservation easements or fee title, and would only be achieved if such purchases occur. Commentor notes that it would be "unwise" for the Planning Board to use a hypothetical 62,000 state park as mitigation given uncertainties about the purchase of these areas. The response to this comment involves several points. First, Commentor is correct that about 62,000 acres of Tejon Ranch is under option for acquisition of conservation easements or potential alternate forms of conveyances. Second, none of these optioned areas are identified or included as mitigation measures for the Tejon Mountain Village project. Third, while the Ranchwide Agreement includes the potential for a new state park, no such park plan has been developed nor have any specific areas of the Ranch been designated for state park uses. More specifically, the 62,000 acres of option property have not been identified or designated for any potential future state park. The state park planning process is prescribed by statute, and has not commenced.

Response 25 D5.

Please refer to the Response to Comment 25-C5.

Response 25 E5.

Commentor notes that the financial cost for acquiring conservation easements on the optioned area will be high since the Ranchwide Agreement requires payment of "fair market value." Commentor states that "highest and best use" is "the opposite of 'non-profit,' which is the use to which the government generally puts property acquired for the public good. Commentor also quotes two sections of the Ranchwide Agreement, from Section 6.7 and Exhibit O, regarding the appraisal and option acquisition process. Commentor is correct that the option acquisition area pricing will be based on a "highest and best use" evaluation, which is prescribed by the California statutes that govern this type of acquisition. The applicable statutory requirements, also referred to as the Laird Bill, also establishes an independent appraisal process and several other steps that were enacted to assure fair pricing for both buyer and seller. The option areas included in the Ranchwide Agreement are not within or contiguous to the Tejon Mountain Village project area, and these acquisitions are not proposed or planned as part of the project. This response is provided for informational purposes. The Commentor's concerns with option area acquisitions are also noted for the record and will also be provided to the Planning Commission and Board of Supervisors.

Response 25 F5.

Please refer to the Response to Comment 25-E5.

Response 25 G5.

Please refer to the Response to Comment 25-E5.
Response 25 H5.

Please refer to the Response to Comment 25-E5.

Response 25 I5.

Commentor also states that the appraised value of the option parcels will increase if the project is proposed, and a higher price makes the establishment of a state park and the conservation of the land less likely. The appraisal process complies with applicable statutory requirements, and is based on the highest and best value of the option parcels themselves – not the Tejon Mountain Village site. The approval of the Tejon Mountain Village project would not affect the appraisal process. Also as noted in the preceding response, this response is offered for informational purposes only since the option parcels are not part of the Tejon Mountain Village project. The comment is also noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisor.

Response 25 J5.

Commentor refers to a letter from the California Environmental Protection Agency (Cal/EPA) to Tejon Ranchcorp President and CEO Bob Stine that notes that the use of acquired land for mitigation purposes must be taken into account in the price paid for such lands. The comment concludes that the option parcels cannot be used as mitigation for the Tejon Mountain Village project. In response, the Cal/EPA letter is included as an Exhibit to the Ranchwide Agreement, and refers to the pricing of option parcels as discussed in the preceding two comments. These option parcels are not proposed or included as mitigation for the Tejon Mountain Village project. As noted in the preceding response, this response is offered for informational purposes only since the option parcels are not part of the Tejon Mountain Village project. The comment is also noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 25 K5.

Please refer to the Response to Comment 25-J5.

Response 25 L5.

Please refer to the Response to Comment 25-J5.

Response 25 M5.

Commentor states that the Planning Board should not include the 62,000 acres of option parcels as mitigation. This comment is noted; the referenced parcels are not included as mitigation.

Response 25 N5.

Commentor notes that the Planning Board should make any permits (apparently referring to the Tejon Mountain Village project approvals) contingent on Tejon Ranchcorp's donation, rather than sale, of the option parcels. Commentor also requests that the Tejon Mountain Village project approvals be delayed until the appraisals are completed and accepted. Because the option parcels are not part of the Tejon Mountain Village project, the creation of a new state park and/or preservation of the option parcels are not mitigation measures for the project, and the absence of a nexus between the project and the state park and/or option parcels, the approval conditions suggested by Commentor are not warranted under CEQA.
The comment is included in the administrative record, and will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 25 O5.**

Commentor requests delaying Tejon Mountain Village permits until appraisals for the conservation easement areas are "in and accepted." The appraisal process for the acquisition areas has been underway for more than a year, and is likely to continue for several more months. This process, and the acquisitions of these open space conservation easements on areas of the Ranch that are remote to Tejon Mountain Village, are not part of the Tejon Mountain Village project or EIR and there is no basis in CEQA for delaying Tejon Mountain Village project permits until the completion of the appraisal, and potentially acquisition, of one or all of these remote option parcels. The Commentor's opinion is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

**Response 25 P5.**

The commentor states that there are various mistakes and biased formulations found in the first eleven pages of the Cultural Resources and Paleontology section of the Draft EIR. The comment is an introduction to the letter and does not specify a particular issue with respect to adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

**Response 25 Q5.**

The Commentor states that the County did not afford the public a sufficient review period to comment on the Draft EIR and its appendices. Please see Response to Comment 25-C and Response to Comment 59.

**Response 25 R5.**

Commentor states that paragraph 1 on page 4.5-6 of the Draft EIR is incorrect because people from numerous tribes were forced to reside at the Sebastian site.

As explained in the Draft EIR, a report was prepared by W&S Consultants (refer to Appendix F-1 of the Draft EIR) that analyzed background studies of published and unpublished reports, documents, maps, and other records concerning prehistory, ethnography, and history of the area. The Draft EIR includes an extensive discussion of the archeological setting of the propose Project, including discussion about the cultural setting of the Project. Although other sources of information about the region's history do exist, the report prepared by W&S Consultants presents a thorough review of available literature available regarding the region's cultural history and was developed to present a balanced description of the area.

The paragraph commentor to a period prior to Beale’s actions relative to Sebastian. However, the comment that people from numerous tribes were forced to reside at the Sebastian is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 25 S5.**

Commentor notes that Treaty D of 1851 promised 500,000 to 700,000 acres to local tribes. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please see the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.
Response 25 T5.

Commentor states that several indicators suggest Kashtiq was a commercial center. Commentor questions the Draft EIR’s characterization that Native Americans on the Tejon Ranch were focused on the valley floor.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 25 U5.

Commentor questions the Draft EIR's statement regarding large villages occurring on the valley floor after 1800. The comment also states that how many people lived at Kashtiq is unknown. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

The Draft EIR does not make the reference to 1800 noted in the comment. The Phase 1 Archaeological Technical Report which is provided as Appendix F-1 of the Draft EIR contains a detailed summary of the various Native American settlements within the Ranch. This information indicates that many of these settlements were located on the valley floor near the base of the mountains where resources were abundant. The information regarding valley floor settlements and their relationship to Kashtiq was provided for informational purposes in the Draft EIR, and the commentor has not identified any specific references that indicate the information presented in the Draft EIR is incorrect. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 25 V5.

Commentor states that Kashtiq is not the only known and named highland village in the Tejon area; the comment refers to the village of Sujuijos in the Los Alamos area.

The Draft EIR's reference to Kashtiq is during the ethnographic period. The Commentor does not provide a reference to the timeframe associated with the village of Sujuijos. In addition, the Phase 1 Archaeological Technical Report provided as Appendix F-1 of the Draft EIR provides a detailed summary of the numerous Native American place names on the Ranch. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 25 W5.

Commentor states that Pedro Fages passed through the Canada de las Uvas, and indicates that the Draft EIR's use of "Tejon Pass" on page 4.5-8 is unclear.
The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 25 X5.

Commentor notes that the Draft EIR misspells "Canada de las Uvas" as "Caflada de las Uvas."

The Draft EIR has been revised to correct this spelling error. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.5-8

Father Jose Maria Zaldivea, coming from Santa Barbara in 1806, found Castac Lake and Caflada Canada de las Uvas (Grapevine Canyon).

Response 25 Y5.

Commentor notes that the Draft EIR does not include an accent on "Fremont," which should be spelled "Frémont."

The Draft EIR has been revised to correct this spelling error. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.5-8

Jedediah Smith also went through the Tejon Mountain Village region during his 1827 fur-trapping expedition, as did John C. Fremont Frémont and his guides (Kit Carson and Alex "Godey" Godoy) in 1830 and 1844. Frémont spent the winter of 1847–1848 on Tejon Ranch, in the Tehachapi Pass area.

Response 25 Z5.

Commentor states that Carson and Godey were not simultaneously guides.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The Draft EIR text does not state that Carson and Godey were guides at the same time.


Commentor notes that page 4.5-8 refers to Alex "Godoy" instead of Alex "Godey." Regarding he spelling error, please refer to Response to Comment 25-Y5, above. The Draft EIR has been revised to correct this spelling error. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Commentor also questions the Draft EIR's statement that Frémont spent the winter of 1847-1848 on Tejon Ranch. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please
refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor questions the Draft EIR's characterization of activity at the Tejon Ranch in prior to 1865. Commentor notes these facts are not relevant to the Draft EIR, but indicates they should not be inaccurately portrayed.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor questions the Draft EIR's characterization regarding old California and the cattle ranching industry.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor cites to the Draft EIR's statement that "Beale was both sympathetic toward and honest with his Indian charges." Commentor accurately cites page 4.5-9 of the Draft EIR.


Commentor questions the Draft EIR's representations in the text regarding Truxtun Beale. In particular, commentor raises objections to the historical accuracy of the information presented regarding Beale’s treatment of Native Americans. Academic studies have confirmed that reports of interaction between native populations and non-native landowners can be biased based on the author of the studies.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor raised additional questions regarding Beale's treatment of the Native Americans and suggests the Draft EIR's characterization is inappropriate.
The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor questions the Draft EIR's reference to the need for claims regarding the Sebastian Reserve being located on private lands.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor identifies additional information regarding Beale and his relationship with the Native Americans.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


Commentor identifies additional information regarding Beale and his relationship with the Native Americans, and questions the Draft EIR's characterization of Beale.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


The organization’s comment expresses concern regarding the positive bias towards Beale in preparing the Draft EIR text, and questions the sources used to describe him. In particular, commentor asks whether the Draft EIR relied upon a biography of Beale written by Stephen Bonsal. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. It should be noted, however, that the report prepared by W&S Consultants that describes the region's cultural history, did not reference the source cited by Commentor. Draft EIR, Appendix F-1, page 49. The comment does
not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified.


The comment suggests that Tejon Ranch does not have any livestock operations, citing to page 4.5-10, line 12, of the Draft EIR. This Comment appears to be a retort to the statement on that page of the Draft EIR that "Tejon Ranch’s agricultural and livestock operations are still run out of the El Paso Creek headquarters." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.


Commentor points out that the purchase price of Rancho El Castac included items other than land. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 25 M6.

Commentor suggests that Beale's adjustment of rancho boundaries may have been improper. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.


The comment states that the name of the historical figure was misspelled in the Draft EIR. The Draft EIR has been corrected as specified in the comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR.

Page 4.5-11

Initially, the economic emphasis of the Tejon Ranch was in sheep, and at its peak, over 125,000 grazed on the ranch. Cattle were introduced in the 1880s after a number of years of drought, although Beale had recorded the Tejon brand—the crescent and the cross—in 1865. By 1891, there were about 25,000 head of cattle and 7,500 sheep grazing on the ranch. Following Beale’s death in 1893, the ranch was inherited by his son, Truxtun, who completed the transition to cattle.

Truxtun Beale sold Tejon Ranch in 1912 to a syndicate headed by Harry Chandler and Harrison Gray Otis for $3 million. This formed the nucleus of what has evolved into the modern Tejon Ranch Company. The syndicate increased the acreage of the ranch to 281,000 acres through a series of strategic purchases. Because cattle activities were not immediately profitable, sales of various rights-of-way to
public utilities initially aided the company’s cash flow. More recently, Tejon Ranch has operated in part by leasing acreage to various farming, oil, and cattle interests, as well as for film production. The first commercial oil production on the ranch, on the flats of the San Joaquin Valley, far to the north of the study area, was developed in August 1937. Today large-scale farming, oil and gas production, and cattle grazing continue on the ranch. The Tejon Mountain Village’s current primary uses are cattle grazing, hunting, and filming.


Commentor states that future comments on the Cultural Resources and Paleontology Section and Appendices would be made if there was more time. Please see Response to Comment 25-C and Response to Comment 59, which explains the 45-day public review process but also includes the County's commitment to consider comments made after the expiration of the 45-day review period and up through the public hearing before the Board of Supervisors. The comment does not specify a particular issue with respect to the adequacy or substance of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.


Commentor suggests that George Harwood Philips, *Bringing Them Under Subjection, California's Tejon Indian Reservation and Beyond, 1852-1864* presents a more accurate view of the history of Beale.

Commentor raises objections to the historical accuracy of the information presented regarding Beale. Academic studies have confirmed that historical reports can be biased based on the author of the studies. It is acknowledged that Commentor expresses a different opinion regarding Beale’s history. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to the Response to Comment 25-R5, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 25 Q6.

Commentor makes reference to the project as well as two other projects, Centennial (in Los Angeles County) and Frazier Park Estates (in Kern County). Commentor urges that none of these projects should have support because the projects will collectively put 100,000 people at risk of loss of life and property. The comment goes on to reference earthquake risks, and it is presumed that this comment likewise relates to earthquake risks. Earthquake risks are addressed in Section 4.6 of the Draft EIR, hazard risks more generally are addressed in Section 4.7, and emergency response services are addressed in Section 4.13. Responses to specific comments regarding earthquake hazards are included below. The comment that the projects should all be denied is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.


Please refer to the Response to Comment 25-Q6.

Commentor states that the Tejon Pass area presents a high risk for a large earthquake on the San Andreas fault within the next 30 years, and maintains that the southern region of the San Andreas fault is considered to have a 59% probability of a Magnitude 6.7 earthquake or higher within the next 30 years. Commentor states her belief that, given the seismic risks, siting a large housing development in the area is inappropriate.

Please refer to the Responses to Comments 24-T5 and 24-U5. Commentor refers to an earthquake probability from the 2007 Uniform California Earthquake Rupture Forecast, Version 2 (UCERF 2). Working Group 2007. Commentor correctly states the 30-year probability of 59% for a Magnitude 6.7 or greater earthquake on the southern San Andreas fault. UCERF 2 at 74, Table 12. UCERF 2 estimates the 30-year probability of a Magnitude 7.5 or greater event on the southern San Andreas fault at about 25%. UCERF 2 at 71, Figure 30. The likelihood of strong seismic ground shaking at the Project site was analyzed in the Draft EIR.

Site-specific estimates of expected ground shaking levels from earthquakes on the San Andreas, Garlock, and other regional faults based on probabilistic analysis are presented in the Draft EIR and in Appendix G-1. The earthquake models used to estimate ground shaking levels were prepared by geoscientists from the U.S. Geological Survey (USGS) and the California Geological Survey (CGS). As explained in the Draft EIR, the Project creates potentially significant impacts with respect to both primary and secondary fault rupture, which could impact structures, roadways, transmission lines, and emergency services infrastructure. Draft EIR at 4.6-23 to 4.6-26; see also Draft EIR, Appendix G-1, Figure 9. The high likelihood for strong ground shaking at the Project was recognized by the design consultants and appropriately considered during Project design. The Project includes a number of mitigation measures to reduce risks associated with ground shaking to a less than significant level. Draft EIR at 4.6-26 to 4.6-29.

Commentor's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors.


Commentor provides a quotation from Lucy Jones of the U.S. Geological Survey (USGS) regarding the risks of a large ("Magnitude 8") earthquake in southern California on the San Andreas fault, including in the Project area. Ms. Jones predicted that anywhere within 10 to 20 miles of the fault from Fort Tejon to the Salton Sea would likely experience damage similar to the San Fernando Valley in the Northridge earthquake in 1994.

Please refer to the Response to Comment 25-S6, above, regarding the risk of an earthquake on the San Andreas fault in the Project area.

In addition, the damage from the 1994 earthquake referred to by commentor typically occurred in older structures built prior to the 1980s. More recent structures, especially residential woodframe construction, performed very well with little or no damage. More modern structures were built based on newer, much more conservative building codes that require structures to be strengthened to resist seismic shaking forces. The 2007 California Building Code was prepared based on technical guidance from the USGS and CGS, and is typically updated every 3 years. It prescribes minimum design guidelines for structures with the intent to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.
These standards are not unique to the Project but are applicable to all areas of the state that are subject to seismic ground shaking. All construction at the Tejon Mountain Village site will be required to comply with the most current applicable version of the CBC (refer to Mitigation Measure 4.6-18). Thus, all structures will be constructed in accordance with the State's determination of appropriate structural integrity. Accordingly, the Draft EIR properly concludes the Project's seismic ground shaking impacts are less than significant.

Response 25 U6.

Commentor expresses concern that the seismic activity on the Garlock fault could be triggered by seismic activity on the San Andreas fault. UCERF 2, Appendencies F and G (USGS Open File Report 2007-1437F and 2007-1437G) present fault rupture scenarios for the Garlock and San Andreas Faults. These scenarios include simultaneous rupture on adjacent segments of individual faults, but do not consider simultaneous rupture on non-contiguous faults. Although simultaneous rupture events are possible, as explained in UCERF 2, appropriate models for this scenario do not currently exist. UCERF 2 at 84-85. By contrast, the probability of a large earthquake produced by a multi-segment rupture on the San Andreas Fault is known to be relatively high, and has already been considered in the analysis in the Draft EIR; such an event could be expected to result in as much or more groundshaking as would occur from a simultaneous rupture of the San Andreas and Garlock faults.

Moreover, as described in the Responses to Comments 25-S6 and 25-T6, the Draft EIR includes a variety of mitigation measures that reduce the seismic impacts associated with the proposed Project to a less than significant level. These mitigation measures have been designed to assume that the site will be subjected to very high levels of ground shaking, regardless of the scenario that produces the seismic activity.


Commentor includes a shake map depicting an earthquake of a 7.25 magnitude on the Garlock fault. The Draft EIR recognizes the risks of seismic activity associated with the Garlock fault. UCERF 2 estimates the 30-year probability for a Magnitude 6.7 or greater event on the Garlock fault to be 6%. UCERF 2, at 74, Table 12.

As explained in the Draft EIR, a Fault Rupture Hazard Investigation (Appendix G-2) and a Preliminary Geotechnical Exploration and Summary of Geologic Constraints (Appendix G-2) was prepared to determine the risks associated with the Garlock Fault, and identify appropriate mitigation measures to reduce potential risks associated with the fault to less than significant levels. See Draft EIR at 4.6-21 to 4.6-22, 4.6-24, 4.6-25. Please refer to Response U6, above, regarding the potential for seismic activity on the San Andreas fault to trigger seismic activity on the Garlock fault.

As discussed in the Responses to Comments 25-S6 and 25-T6, above, these risks will be reduced to a less than significant level with imposition of the proposed mitigation measures.


Please refer to the Response to Comment 25-U6.

Response 25 X6.

The comment objects to the construction of a large housing project near the Garlock and San Andreas faults, and suggests that the Draft EIR should be revised to include certain new information specified below. The comment is an introduction to more detailed comments on earthquake risk issues which are
addressed below, does not itself specify a particular issue with respect to the adequacy or substance of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.


The comment states that the Draft EIR should provide complete, detailed information regarding a description of the natural surroundings proposed for home sites, including descriptions of actual vegetation, geological conditions, grading plans, landslide potential, and infrastructure plans. The Draft EIR contains detailed information on each of these aspects of Project development and infrastructure, potential hazards, and descriptions of the existing natural vegetation. Please refer to Sections 4.4, BIOLOGICAL RESOURCES; 4.6, GEOLOGY AND SOILS, 4.7, HAZARDS AND HAZARDOUS MATERIALS, and 4.16, UTILITIES AND SERVICE SYSTEMS. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.


Commentor states that the EIR should detail soil conditions related to seismic effects.

The Draft EIR provides a description of the known extents of soils subject to liquefaction seismic softening and ground lurching and seismically induced settlement and estimated settlement magnitudes on Pages 29 through 32 and on Figures 10A through 10G of Appendix G-1. The locations of landslide deposits are depicted on Figures 8A and 8B of Appendix G-1. These methods of mitigation for these conditions are described in Mitigation Measures 4.6-1 through Mitigation Measures 4.6-5, Mitigation Measures 4.6-19 and Mitigation Measures 4.6-20. The Draft EIR concludes that, with mitigation, seismic impacts related to soils will be less than significant.

Response 25 A7.

Commentor requests that the EIR include an evaluation by geologists not associated with the Project applicant of the activities associated with Project development. Commentor states that such evaluations should demonstrate whether the proposed mitigation will adequately protect homes to be built on soils that could be effected by seismic activity.

The geotechnical and geologic reports prepared for the EIR (Appendix G-1, “Preliminary Geotechnical Exploration and Summary of Geologic Constraints” by ENGEØ and Appendix G-2 “Fault Rupture Hazard Investigation” by ECI) were peer-reviewed by BSK Associates, the peer-review consultant retained by Kern County to provide comments on the geologic and geotechnical investigations. The firm's comments and the subsequent responses by ENGEØ are presented in Appendix G-3 of the EIR. The EIR provides mitigation measures (mitigation measures 4.6-1 through 4.6-7 and mitigation measures 4.6-18 through 4.6-23) that provide a specific process for the preparation subsequent geotechnical reports, grading plans and structural design prior to approvals of tentative map, final maps and building permits that will be reviewed by experts retained by Ken County. The EIR also provides a specific set of mitigation measures (mitigation measures 4.6-24 through 4.6-26) that require project construction to be overseen by both the Project applicant's geotechnical consultant and a special inspector selected by Kern County, appropriate erosion control both during and after construction, and will require the Project applicant to provide for appropriate long-term maintenance of the Project improvements. These steps will adequately protect homes built on the Project site's soils against seismic impacts from soils.
Response 25 B7.

Commentor states that a full outline plan for providing infrastructure for homes should be provided.

The Tejon Mountain Village Specific and Community Plan and Special Planning District contains the outline requested. Please refer to Specific Plan Chapter 3, "Circulation and Infrastructure." In addition, various chapters of the Draft EIR discuss the existing setting and potential impacts associated with providing infrastructure to the Project site. Please refer to Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY; Section 4.13, PUBLIC SERVICES; Section 4.14, RECREATION; Section 4.15, TRANSPORTATION AND TRAFFIC, and Section 4.16, UTILITIES AND SERVICE SYSTEMS.

Response 25 C7.

Commentor requests that the CC&Rs be included in the Draft EIR, and inquires as to whether CC&Rs must be subject to a public comment period and be binding in perpetuity. The content requirements of an EIR are prescribed in the CEQA Guidelines, and do not include CC&Rs. See, e.g., CEQA Guideline 15120. A CC&R (Covenants, Conditions & Restrictions) is recorded on title to the property. Typically, a recorded covenant will set forth the term of the declaration and whether it is perpetually binding. However, there is no statutory requirement that a term of the declaration or covenant be included in the document. In addition, there is no statutory requirement that a declaration be subject to a public comment period; rather the declarant (typically the developer) will prepare the CC&Rs and each purchaser of a separate interest in the common interest development will take title subject to the CC&Rs. CC&Rs for master planned community projects are also subject to review and approval by the Department of Real Estate (DRE) as to whether "reasonable arrangements" have been or will be made concerning the management, maintenance, preservation, operation, use, right of resale, and control of subdivision properties. Bus & P C §11018.5(e); 10 Cal Code Regs §§2792.8-2792.28, 2792.32. The DRE's regulatory jurisdiction over the Declaration exists only so long as the developer holds or controls twenty-five percent (25%) or more of the association votes. Until the 25% developer control threshold no longer exists, any material changes in the governing documents are subject to DRE approval. Once the period of developer control has ended, the association is no longer required to follow the DRE's "reasonable arrangements" regulations and may amend the declaration or other governing documents without obtaining DRE approval. Bus & P C §110108.7; 10 Cal Code Regs §2793. The CC&Rs may generally only be amended in accordance with California Civil Code §1355(a) and §1355.5.

As part of the resource agency permitting process, including for example the pending Tehachapi Uplands Habitat Conservation Plan (TUMSCHP) process as well as Project permits and approvals required from California agencies such as the Department of Fish and Game (DFG) and Regional Water Quality Control Board (RWQCB), open space conservation requirements and ongoing use restrictions – including for example a perpetual ban on the use of lead ammunition, even if existing State law is amended to again allow for lead ammunition use, will also remain in effect in perpetuity through separately recorded Conservation Easements, and are not subject to the amendment provisions applicable to CC&Rs.

As a practical matter, the approved CC&Rs for the Tejon Mountain Village project are anticipated to remain binding in perpetuity.

In order to address concerns regarding potential financial solvency issues that could face the developer in the future, the following mitigation measure has been added. Please refer to Section 7.2, REVISIONS TO THE DRAFT EIR.
Mitigation Measure 4.9-1: Should the Master Developer, Tejon Mountain Village, LLC, or its designee or assignee file for bankruptcy and become financially unable to comply with mitigation obligations assigned to the Master Developer in the Final Environmental Impact Report Mitigation Measures, then an alternate entity (or entities) acceptable to the County, such as a Geologic Hazard Abatement District, may assume responsibility for compliance with such mitigation obligations. Nothing in this mitigation measure alters or amends the rights of the County to fully enforce the Specific Plan and the Special Plan, and both minor and major amendments to the Specific Plan and/or Special Plan must be approved by the County Planning Department, the Planning Commission and/or Board of Supervisors, as required by applicable County ordinance. Additionally, nothing in this mitigation measure allows any deviation from the obligation to implement all mitigation measures in the Final Environmental Impact Report, the requirements of the Specific Plan and Special Plan and any proposed change to such mitigation obligations would be subject to review and approval by the County and may require further environmental review including public notice and hearings as required by applicable County ordinances, CEQA, and other applicable legal requirements.


Commentor requests information as to what a prospective homeowner must agree to in order to become a homeowner within the Project.

A homeowner would agree to purchase a lot, or a completed home, subject to CC&Rs. CC&Rs must contain a legal description of the common interest development, a statement describing the specific type of common interest development, the name of the homeowner association, and restrictions on the use or enjoyment of any portion of the common interest development that are anticipated to be enforceable as equitable servitudes. California Civil Code §1353. The declaration must contain all the use restrictions, affirmative covenants and easements which the declarant (typically, the developer) intends to enforce against, or impose for the benefit of, subsequent purchasers. California Civil Code §1353(a)(1).

Response 25 E7.

Commentor requests a description of the liability of a homeowner, TRC, and the County if an earthquake occurs and causes damage to structures or personal injuries. This question is outside the scope of CEQA, and does not comment on the Draft EIR. Commentor's request for a legal liability analysis relating to earthquake damages is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 25 F7.

Commentor requests that the Draft EIR not simply say “will monitor,” but that specific protocols be described.

The phrase “will monitor” does not occur in the Draft EIR’s Section 4.6, GEOLOGY AND SOILS. What commentor is referencing is, therefore, unclear. Several mitigation measures in Section 4.6 require the developer to engage with qualified professionals to perform certain tasks and it is assumed that these professionals are considered by the Commentor to be the “monitors.” The qualifications for each consultant are included in each such measure. In addition, to ensure grading and construction is performed in accordance with the plans reviewed and approved by Kern County, Mitigation Measure 4.6-24 requires “All grading and construction and any changes to the recommendations that result from or occur during grading in these reports will be reviewed by a qualified special inspector whose selection is approved by the Kern County Engineering and Survey Services Department and whose duties and
responsibilities are outlined in Chapter 17 of the California Building Code. The special inspector will verify all grading operations are in accordance with the approved grading plan, the geotechnical investigation, and recognized principles and practices. The developer will be responsible for all costs of the special inspector and county staff for review and approval of ongoing engineered grading activities, including review of the required reports.” The Draft EIR, therefore, includes protocols for monitoring activities that are to occur.

In addition, mitigation monitoring will be required for the Project pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a). The content of the mitigation monitoring program is controlled by the requirement that it function to ensure that mitigation measures are implemented pursuant to Public Resources Code Section 21081.6(a)(1) and that mitigation measures are fully enforceable pursuant to Public Resources Code Section 21081.6(b). Neither the Public Resources Code nor the CEQA Guidelines specify detailed requirements for the specific content of mitigation monitoring or reporting programs. Beyond the requirement that mitigation monitoring function to ensure that mitigation measures are implemented and enforceable, agencies have substantial flexibility in adopting monitoring and reporting programs. See Rio Vista Farm Bureau Center v. County of Solano (1992) 5 Cal.App.4th 351, 380 (upholding a mitigation monitoring program as legally sufficient under the rule of reason).

The Mitigation Monitoring Plan that the County would adopt if it approves the Project meets CEQA requirements. In order to ensure that mitigation measures are implemented and fully enforceable, the Mitigation Monitoring Plan identifies the "Responsible Monitoring Agency," "Time Frame for Implementation," and "Steps to Compliance," for each mitigation measure. (Exhibit C, Table 1-2, Mitigation Monitoring Program for Tejon Mountain Village Draft Environmental Impact Report). This allows decision-makers and the public to understand 1) that each mitigation measure will be implemented; 2) which entity(ies) are responsible for overseeing the implementation of each mitigation measure; and 3) how these entities will ensure that each mitigation measure is implemented. The "Steps to Compliance" component is particularly instructive, as it guides those entities charged with oversight with those steps at which they will be involved or have an approval role. The detail contained within the proposed Mitigation Monitoring Plan exceeds what is required under the law. See e.g. Christward Ministry v. County of San Diego (1993) 13 Cal.App.4th 31, 36 & 49 (upholding a mitigation monitoring plan as compliant with Public Resources Code Section 21081.6 that set forth only that phase of the project at which each mitigation measure must be implemented and what entity was responsible for implementing each measure).

**Response 25 G7.**

Commentor requests a plan that provides for monitoring of the monitors. Pursuant to CEQA Guidelines Section 15097(a), an agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation, however if monitoring is delegated, the lead agency remains responsible for ensuring that the mitigation measures are implemented as provided by the program. Accordingly, Kern County will be responsible for ensuring that each of the mitigation measures are implemented, to the degree that it will oversee the respective entities that have been delegated individual oversight. For example, Mitigation Measure 4.5-25 requires implementation by a qualified archaeologist and a Native American monitor. Specific Plan, Appendix G, Mitigation Monitoring Plan. However the Kern County Planning Department is listed as a third Responsible Monitoring Agency, as it is up to the County to ensure that the archaeologist and monitor comply with the measure. Id. As discussed in response E2 above, the Mitigation Monitoring Plan must be approved by the County if it approves the Project, pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a), as well as according to County Specific and Community Plan approval procedures.

Commentor requests information about the consequences of a homeowner's violation of the CC&Rs.

CC&Rs generally include enforcement provisions that allow the Homeowner's association to issue notice of violation, and assess monetary penalties, against non-compliant homeowners to assure compliance. CC&Rs are required to provide for a fair, reasonable and expeditious internal dispute resolution procedure. California Civil Code §§1363.810-1363.850. The association may create its own internal dispute procedure, but if it fails to do so, the procedure set forth in California Civil Code §1363.840 will control. There are three main internal dispute procedures that the association may undertake before resorting to judicial enforcement of the CC&Rs: (1) an internal investigation leading to potential disciplinary action, or "self-help" remedies by the association; (2) a "meet and confer" procedure resolving defined types of disputes between an association and a member; and (3) a formal alternative dispute resolution procedure (subject to the requirements of CCP §§1280-1294.2). CC&Rs typically provide that the party alleging a violation of the CC&Rs has occurred, be required to complete a written complaint describing the alleged violation. The association's enforcement committee typically would attempt to contact the violator to settle the problem amicably. If the violator is unresponsive or unable to be reached, the enforcement committee would send a written notice to the violator describing the violation and providing for a reasonable period of time to correct the violation. If informal proceedings do not remedy the violation, the association's enforcement procedures typically require formal proceedings, including service of written notice of the complaint to the violator (California Civil Code §1363(h)), discovery, a hearing, and appeal. After an internal enforcement hearing, an association may seek a variety of remedies, including imposition of monetary penalties or suspension of an owner's membership or ownership rights (e.g., right to vote on matters presented to members for approval, right to serve in official governance capacities, right to use common areas). By law, any fine that the association imposes must bear a reasonable relationship to the gravity of the infraction and the burden on the association. The fine may not exceed "the amount necessary to defray the costs for which it is levied." California Civil Code §1366.1 In addition, if the association implements a policy of imposing monetary penalties for violations of the CC&Rs, the board of directors must adopt and distribute a schedule of monetary penalties. California Civil Code §1363(g).

Additionally, though often times more costly and time-consuming, a homeowner's association may file a lawsuit to compel compliance. To the extent that violations are of a continuing nature, monetary relief is typically not sufficient. California Civil Code §§3366-3369. A court may issue a mandatory injunction which requires the offending owner to cease a non-compliant activity, such as building a non-lawful structure. See Morgan v Veach (1943) 59 CA2d 682, 139 P2d 976 (holding that a mandatory injunction to remove a structure in violation of property restrictions was an appropriate remedy). Interim or temporary injunctive relief is also available under CCP §557 in the event it is necessary to take immediate temporary action to prevent waste or avoid irreparable injury.

If the owner's violation results in monetary injury, the owner may be subject to a suit by an owner or the association for monetary damages. It is noteworthy, however, that there is no express statutory authorization of damages as a remedy for an owner or association who successfully litigates a violation of a recorded covenant or CC&Rs. Additionally, there are no reported cases holding that damages are an available remedy under California Civil Code §1354.

Response 25 I7.

Commentor states that, before houses are constructed, geologic hazards should be investigated and mapped to ensure effective hazard mitigation.
All known seismic and geologic hazards are identified in Chapter 6 of the Specific Plan along with policies and implementation measures that ensure future planning and mapping within the Project reflect these hazards appropriately.

The Special Plan maps the seismic and geologic hazards by designating them as combining districts. Sheet 2 of the Special Plan describes the “Geology and Soils (GS)” combining district, which includes known seismic and geologic hazards. If a property is proposed to be developed within one of the GS combining district, special studies are required to establish appropriate setbacks and designs. Combining districts are defined, mapped and described on Special Plan Sheets 2, 3, 10-14 & 15.

Draft EIR Mitigation Measures 4.6-1 through 4.6-24 require additional site-specific studies of known seismic and geologic hazards before homes or other habitable structures can be constructed. For example Mitigation Measure 4.6-1 requires that “Prior to approval of a final map containing habitable structures within a GS Combining District, additional geotechnical studies shall be required and will make recommendations on structure location, foundation design, grading design, and other design criteria as deemed necessary. Based on the results of additional investigations, the geologic consultant would either recommend that 1) the buffer zones be modified or eliminated as appropriate, 2) the proposed habitable structures would be moved outside the buffer zone, or 3) the proposed structure would be eliminated. All remaining fault buffer zones shall be identified on final subdivision maps.”

Response 25 J7.

This comment suggests the Draft EIR must include and “provide complete information” about the “aversion program. Putting [sic] a community smack in the middle of the condor range is quite different than condors coming to areas 20 miles away.”

The meaning and context of comment 25-J7 is unclear. To the extent the comment is referring to potential habituation risks due to condor proximity to proposed Project development, the Draft EIR and CCP discuss and consider this issue in detail. Since the last condor was removed from the wild in 1987, and captive-bred condors were subsequently released, condor interactions with humans have largely been related to: (a) the availability of food; and (b) captive-bred condor training and release techniques, which have since been refined to address potentially inappropriate behaviors (see discussion on pages 19 and 20 of the CCP). Scientific studies over the last three decades have shown that the availability of food sources is most important for the condor. If food is not available, research has not demonstrated that mature adults, or immature birds in the presence of mature adults, will linger in human-occupied areas. As discussed in the Draft EIR and CCP, condor observation data collected by the USFWS since the 1970s, and extensive field observations since 2007 by condor specialists on Tejon Ranch, show that it is the availability and location of animal carcasses and remains that largely determines where condors forage for food within the Southern California portion of their range, including Tejon Ranch. The dispersion of condor GPS data over the past 8 years, and previous data derived from visual and VHF transmitter observations, has shown that the vast majority of documented condor activity away from the nesting areas occurred at or near USFWS feeding stations (Hopper NWR and Bitter Creek NWR) and at other locations where carcasses were located, including within the Ranch (CCP pages 25 through 29, and Figure 2), or in transit to these areas. All of the condors that have been released in Southern California, in the central coast, in northern Arizona and in Baja California have experienced frequent interaction with humans as a result of regular and ongoing capture associated with captive breeding, aversion training, transmitter replacement, and with monitoring and health-related interventions, such as capturing condors for routine testing of blood for lead determinations as well as condors that exhibit lead poisoning symptoms for blood chelation. Such interventions can influence the propensity of condors to interact with humans and human structures. However, as discussed in the CCP on page 20, captive husbandry and aversion
techniques have been introduced into the condor program that minimize adverse human- and structure-related behavior. In particular, older, experienced mentor birds are routinely assigned to young condors not raised by their parents. Condors that have been subject to these techniques and modified aversion training are less inclined to land on power poles, homes, buildings, and other artificial structures. The only published report characterizing condor/human interactions since all remaining wild condors were brought into captivity was published in 2004 (Cade et al., “Commentary on Released California Condors Gymnogyps Californicus in Arizona” in Raptors Worldwide, 2004) (the “Cade study”). The Cade study analyzed condor/human interactions at the South Rim of Grand Canyon National Park and at the Navajo Bridge across the Colorado River. The study identified three distinct types of human/condor interactions:

1. Type I behaviors, such as landing or conducting investigative fly-bys no closer than 15 meters from humans, occasionally investigating manmade objects, and perching on manmade structures that resemble natural objects or provide safe vantage points;
2. Type II behaviors, such as landing or flying closer than 15 meters to humans but maintaining an “individual distance” when approaching or being approached by humans, circumventing humans when investigating their belongings, allowing close human approach only when a clear escape path is present, and fleeing when hazed; and
3. Type III behaviors, such as allowing close human approach when no escape route is present, seeking out and initiating contact with humans, allowing touching and handling, not responding to hazing, and generally showing no fear of humans.

The Cade study indicated that Type I and Type II behaviors are acceptable, normal activities associated with exploratory and play-type activities characteristic of California condors. The study characterized Type III behaviors as unacceptable, non-normal, and aberrant condor activities. The study found that younger birds exhibiting Type II or III behavior traits tend to naturally revert to Type I behaviors as they mature, especially when they became reproductively active. The study also found that birds exhibiting Type III behaviors could be induced to adopt Type I or Type II behaviors with certain training techniques and that modifications to captive breeding and release methods were introducing more birds into the wild population with Type I behavior traits. As a result, the evidence indicates that controlling food sources and improving condor breeding and release techniques determines whether human contact becomes associated with adverse behaviors. The Cade study indicates that post-1987 condors will tend to adopt acceptable behaviors as they mature, or that affected condors can be trained to adopt acceptable behaviors. As discussed in the Draft EIR (pages 4.4-119 and 120) and CCP (pages 65-67), the proposed Project will implement educational, trash control, and other management measures to ensure that food sources or microtrash around or near human structures and recreational sites, as well as food sources or microtrash associated with various human activities, that might attract condors are avoided. As discussed in the Draft EIR at 4.4-95 and the CCP at 20, recent changes in aversion-training techniques in captive-reared condors have substantially reduced the likelihood that unacceptable condor habituation to humans or human structures may occur. As discussed in the Draft EIR (at 4.4-94 and 95), no new above-ground transmission lines or high voltage towers will be constructed within the Project site. In addition, Mitigation Measure 4.4-5 of the Draft EIR places restrictions on the height and location of new antennae and phone towers, as well prohibitions on wind turbines, to mitigate the potential for collisions with these structures. Nevertheless, the USFWS has determined that condors that become attracted to human activity and structures, that are not deterred as a result of previous aversion training received while in captivity, and that are not discouraged by deterrence efforts after becoming habituated to human structures or activities, may need to be captured and relocated, undergo additional aversion training and be re-released, or be permanently removed from the wild. This potential need for USFWS to capture and relocate a habituated condor could constitute a non-lethal take if such habituation is determined to be caused by Project development and require a permit under federal law. TRC is applying for an incidental take permit under the federal Endangered Species Act that would allow for up to four non-lethal captures of a condor by the USFWS to address habituation over a 50-year period. The permit would cover the proposed Project.
Response 25 K7.

Commentor states that the suggestions within comments 25-Y6 through 25-J7 should be completed before Project approval in order to ensure effective oversight. To the extent that comments 25-Y6 through 25-J7 include requests for certain mitigations or monitoring in order to reduce Project impacts and commentor is expressing concern regarding the oversight of this mitigation, commentor is referred to Response to Comment 20-B. To the extent that the Commentor has requested additional information or description in comments 25-Y6 through 25-J7, commentor is referred to the respective Responses 25-Y6 through 25-J7.

Response 25 L7.

The Commentor state that, in addition to the earthquake-related issues in the comments above, there are other areas of impact concern, including protection of the condor foraging land, adequate protection of known and unknown endangered species, unwise reduction of local groundwater for lake creation, and generally acknowledged negative effects of uncontrolled sprawl (e.g., traffic increases, air pollution increase, unnecessary and serious damage to natural areas).

As discussed on pages 4.4-95 and 4.4-96 of the Draft EIR Section 4.4, BIOLOGICAL RESOURCES, the potential loss of high-quality foraging habitat associated with the original configuration of Tejon Mountain Village was avoided by the reconfiguration of the Project design to withdraw development from high-quality foraging habitat areas, particularly along the northernmost ridges and slopes of the Tejon Mountain Specific Plan area and the easternmost extent of Geghus Ridge. As currently proposed, the Tejon Mountain Specific Plan permanently preserves all of the highest-value historical and current foraging habitat for condors within the proposed Project site. In addition, and as discussed on page 4.4-96 of the Draft EIR and in Appendix I to Appendix E-1 of the Draft EIR, a vast amount of high-quality foraging and roosting habitat for the condor, over 87,000 acres, will be preserved in perpetuity and managed for the benefit of the species pursuant to a resource management plan under the auspices of the Tejon Ranch Conservancy. An additional 42,000 acres that will also provide benefits to condors as foraging and flyover habitat is proposed to be preserved, including 23,000 acres within Tejon Mountain Village.

Protection of endangered species is addressed in Draft EIR Impact 4.4-1 (see Response to Comment 25-Z4 regarding significance criteria). The impacts and mitigation measures relating to special-status species, including endangered species, are summarized in the Draft EIR within Table 4.4-153 on pages 4.4-240 through 4.4-377. Table 4.4-153 summarizes the following information with respect to special-status species: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate impact/benefit that species, and the significance of the impact after mitigation.

As described in Draft EIR Section 4.8.2, ENVIRONMENTAL SETTING, on page 4.8-4, the Tejon Ranch Company has been maintaining the Castac Lake surface at approximately 3,500 feet since 2001. This activity is considered to be an existing condition, and is not considered to be an element of the proposed Project description.

Impacts related to traffic are addressed in Draft EIR Section 4.15, TRANSPORTATION AND TRAFFIC. Impacts related to air pollution are addressed in Draft EIR Section 4.3, AIR QUALITY AND CLIMATE CHANGE. Impacts related to natural areas are addressed in Draft EIR Section 4.4, BIOLOGICAL RESOURCES.

Commentor states that the project will cause an impact by draining groundwater for the potentially illegal lake creation on Tejon lands. Global Response 7.5.1, Castac Lake, includes responses to several
comments regarding Castac Lake, including the lake's relationship to the Tejon Mountain Village project, the lake's impacts on local groundwater, and the management of the lake.

**Response 25 M7.**

Commentor states that the Project will cause "the generally acknowledged effects of uncontrolled sprawl" including traffic increases, air pollution increases, and damage to natural areas. Commentor is referred to Response to Comment 24-J2 for an explanation as to why this mountain resort Project is not considered sprawl. Commentor is correct that the Project will increase traffic volumes; Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC, along with related technical reports and Responses, evaluates Project traffic impacts and includes mitigation measures. Commentor is correct that the Project will cause air quality impacts; Section 4.3 of the Draft EIR, AIR QUALITY AND CLIMATE CHANGE, along with related technical reports and Responses, evaluates Project impacts upon air quality and climate change and includes mitigation measures. To the extent that "natural areas" includes biological resources, after the implementation of mitigation measures, Project impacts on biological resources will be less than significant. Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES, along with related technical reports and Responses, evaluates Project impacts upon biological resources.

**Response 25 N7.**

The comment questions why the Project development proposal (and other projects referenced in Comment 25-Q6) has been allowed to go so far, and whether any public need will be served if the Project and other projects are allowed to continue. The comment is an opinion, and does not specify a particular issue with respect to the adequacy or substance of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

**Response 25 O7.**

Commentor states that the project does not include low cost housing, any assurance of above minimum wage permanent jobs, and no further support of health care institutions. As discussed in Draft EIR Section 4.12, the project creates both construction and non-construction jobs, and creates employment opportunities for existing Kern County communities. (See also, Responses to Comment 24-G5) Project impacts to emergency services are discussed in Section 4.13. The Specific Plan includes medical offices and emergency centers as permitted uses in the Village Commercial Mixed Use category. Although not a part of the Draft EIR, the Project has also included the provision of paramedic service in the Draft Development Agreement that has been submitted to Kern County. Support of health care institutions is not an environmental impact under CEQA, but the comment is noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 25 P7.**

The Commentor state that there is no way to calculate the exact damage to a unique, large, natural area, located in one of the ten natural world’s hot spots, which needs special protections from human impacts.

As indicated in Response to Comment 25-Y4, and described in Draft EIR Section 4.4.2, ENVIRONMENTAL SETTING, pages 4.4-1 and 4.4-2, the Draft EIR acknowledges that the Tejon Mountain Village Project site is located where four California Floristic and Desert Provinces meet: Southwestern California, Sierra Nevada, Great Central Valley, and Mojave Desert. The Tejon Mountain Village Project site is also described as occurring in the vicinity of six sections defined within the Humid...
Temperate Domain and the Dry Domain: Sierra Nevada, Sierra Nevada Foothills, Great Valley, Central California Coast Ranges, Southern California Mountain and Valley, and Mojave Desert.

The significance criteria used to evaluate impacts to biological resources can be found in the Draft EIR at Section 4.4.4, on page 4.4-78. While the significance criteria do not specifically address intrusion into a major California natural resource area, the significance criteria do address impacts to sensitive natural communities, as identified in local or regional plans, policies, or regulations, or by DFG or USFWS.

Response 25 Q7.

Commentor raises concerns that the Project may have uncertain costs to taxpayers with respect to traffic, air pollution, public services such as fire, police and health as well as property damage due to seismic activity. The Draft EIR addresses each of these issues in detail. Although the Draft EIR does not explicitly analyze "public health" services, issues regarding public health were raised during the public scoping period following release of the Notice of Preparation. Questions regarding public health raised in the scoping period concerned impacts of the project on mudslides, earthquakes, flooding, fire, and climate change. See Draft EIR, Appendix A, "Summary of Proceedings," at 3-5. These issues are addressed below. In addition, the Draft EIR evaluates the impact of the Project on environmental factors such as water quality and air quality standards that are set, in part, to protect public health.

Air Quality and Climate Change: Draft EIR Section 4.3, AIR QUALITY AND CLIMATE CHANGE quantifies the Project’s potential impacts on air quality and climate change, and requires mitigation measures to minimize the Project’s impacts. However, even after imposing all feasible mitigation the Draft EIR concludes that the Project’s air quality impacts on a Project-specific and cumulative level would be significant and unavoidable, and the Project's cumulative impacts on climate change would be significant and unavoidable.

Seismic activity: Draft EIR Section 4.6, GEOLOGY AND SOILS, provides a comprehensive analysis of the Project's potential seismic impacts, as well as the related secondary risks to property, and requires feasible mitigation measures that reduce the Project's impacts to less than significant levels.

Public Services: Draft EIR Section 4.13, PUBLIC SERVICES and Section 4.14 RECREATION provide a comprehensive analysis of the Project's impacts on public services and facilities and requires feasible mitigation measures that reduce the Project’s impacts to less than significant levels.

- Fire – Draft EIR Mitigation Measures 4.13-2 through 4.13-8 require the Project to provide funding necessary to offset the Project’s impacts to fire facilities and equipment, and operation of the ladder truck.

- Police (Sheriff) – Draft EIR Mitigation Measures 4.3-9 through 4.3-11 require the Project to pay a fair-share contribution towards Sheriff facilities as well as ensure adequate funding from the Project for the a new deputy position at the onset of construction of the project that was determined would be needed before tax revenues may be available from the Project.

- Public Schools – Draft EIR Mitigation Measure 4.3-12 requires that the Project pay statutory developer fees or negotiate a mitigation agreement to the satisfaction of the district(s). Payment of the statutory fees represents full mitigation per State law.

- Library – Draft EIR Mitigation Measure 4.3-13 requires the Project to fund it’s fair-share of impacts for library volumes.
Recreation – Draft EIR Mitigation Measures 4.14-1 and 4.14-2 require the payment of fees and/or the dedication of land to offset the Project’s impact on park facilities.

Transportation: Draft EIR Section 4.15 TRANSPORTATION AND TRAFFIC provides a comprehensive analysis of the Project’s potential traffic related impacts and requires mitigation measures to minimize the Project’s impacts on local and regional roads and highways. However, even after imposing all feasible mitigation measures, the Draft EIR concludes that cumulative traffic impacts will be significant and unavoidable.

In addition, the Draft EIR contains Mitigation Measure 4.13-1 which requires the developer to pay any additional impact fees that the Board of Supervisors adopts after the time, and if, the Board approves the Project.

Response 25 R7.

The comment suggests that the Project could become the “Tejon Fiasco, comparable to Katrina” due to the potential incidence of a large earthquake in the Project's vicinity, in combination with other negative environmental effects caused by the project. The comment is an opinion, and does not specify a particular issue with respect to the adequacy or substance of the Draft EIR. Earthquake issues, including mitigation measures, are addressed in detail in Section 4.6 of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 S7.

The comment quotes an unnamed official who once said "Now we are paying for the sins of the past." The comment states that the quoted remark could be repeated if the Project and other nearby projects are permitted. The comment is an opinion, and does not specify a particular issue with respect to the adequacy or substance of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 T7.

Commentor states that the proposed Project would be developed in an area of California with extremely high earthquake hazards, and notes that the San Andreas, Big Pine, Garlock, and White Wolfe faults meet in the Project area. Commentor also states that other documented faults are in the area, and there are likely to be many invisible thrust faults as well. Commentor states its belief that placing residences in the Project area maximizes potential exposure to a major earthquake in the next 25 years.

Commentor is correct that the Project site is in a seismically active area, as described in the Draft EIR. Please refer to the Response to Comment 25-S6, above, regarding the seismic risks of the region. Appendix G-1 of the Draft EIR provides a specific discussion of the known active faults in the site vicinity, including the Garlock fault, San Andreas fault, Pleito Thrust faults, the White Wolf fault, the Big pine Fault and the San Gabriel fault. Draft EIR, Appendix G-1, at 8-9. Estimated seismic ground shaking levels based on a probabilistic analysis are discussed on pages 25 and 26. The probabilistic estimate of ground shaking incorporates risks from all known seismic sources within a 100 km radius of the site, including a total of over 60 faults. The known seismic sources include strike-slip faults thrust faults, and blind (“invisible”) thrust faults. (in strike-slip faults, one side moves horizontally with respect to the to the other along a near-vertical fault plane; in thrust faults, one side moves vertically over the other along an inclined fault plane). As discussed in Responses to Comments 25-S6 and 25-T6, above, the seismic impacts associated with the Project have been reduced to a less than significant level.
Commentor includes a map accurately depicting the level of earthquake hazards in southern California. Please refer to the Response to Comment 25-S6, above, regarding the seismic risks of the region.

In addition, commentor describes major historical seismic activities that have occurred in the Project area, including the Fort Tejon earthquake in 1857 and the Tejon Pass earthquake in 1916. These earthquakes are described in the Draft EIR as well. Draft EIR at 4.6-10 to 4.6-12. Commentor also describes the Arvin-Tehachapi earthquake in 1952. This earthquake was described on page 9 of Appendix G-1 of the Draft EIR. The White Wolfe Fault, on which this earthquake occurred, was taken into account in the probabilistic analysis conducted for the Project.

Commentor also cites to a paper written about the San Andreas fault that predicts a likely rupture in the fault in a short time interval. Please refer to the Response to Comment 25-S6, above, regarding seismic risks in southern California.

Commentor also states that the slip rate of the Garlock fault is estimated to be between 5 and 30 mm per year, and the slip rate of the San Andreas fault in Cuddy Canyon is between 30-60 mm per year, which is close to its upper bound. The 1990 UC Santa Barbara dissertation of Xiaolin Zhao quoted by commentor states a slip rate for the Garlock Fault near Cuddy Valley at “less than 1 mm per year.” Zhao at 120. The subject of the Zhao dissertation presents a paleoseismology study at the Mesa Valley Farm site, west of Tejon Mountain Village. Zhao estimated the slip rate of the San Andreas Fault at 30 mm to 60 mm per year as a possible range of values that were permissible based on uncertainties in his evidence.

Appendix A of UCERF 2 (USGS Open File Report 2007-1437A) presents slip rates for the Garlock and San Andreas Faults based on the most current available data. According to UCERF 2, the slip rate for the western segment of the Garlock Fault is 6 mm per year. The slip rates for the Big Bend and Northern Mojave segments of the San Andreas fault are 34 mm and 27 mm per year, respectively. Appendix A includes a comprehensive bibliography of publications that were considered current and relevant to the subject of fault slip rates in California; the dissertation by Zhao quoted by the commentor was not used as a data source by the authors of UCERF 2. However, the slip rates estimated by UCERF 2 (which are based on cross-correlation from many different paleoseismology sites) of 35 mm to 27 mm per year are consistent with the lower-bound estimate of the Zhao data from Mesa Valley Farm.

Response 25 U7.

The comment states that commentor is a resident of the Frazier Park area, and that commentor has serious concerns about the lake portion of the Project. The comment is an introduction to the letter, and states the commentor's opinion without specifying a particular issue with respect to the adequacy or substance of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 V7.

Please refer to Global Response 7.5.1, Castac Lake.

Response 25 W7.

Please refer to Global Response 7.5.1, Castac Lake.

Response 25 X7.

Please refer to Global Response 7.5.1, Castac Lake.
Response 25 Y7.

Please refer to Global Response 7.5.1, Castac Lake.

Response 25 Z7.

Commentor states that Castac Lake in its natural condition is an ephemeral saline sag pond. Commentor notes that Castac Lake historically filled to a certain degree each year from runoff and direct precipitation and then evaporated, and that in years of very high rainfall the lake could fill completely and spill over to Grapevine Creek. The comment notes that these are rare events, and in many years historically the lake would go to complete or near-complete dryness.

Regarding flooding risks to Grapevine Creek, please refer to Response to Comment 12-H, and Global Response 7.5.1, Castac Lake.

Response 25 A8.

Please refer to Global Response 7.5.1, Castac Lake.

Response 25 B8.

Commentor quotes the Trihey & Associates 1997 Tejon Lake Hydrology Study regarding historical fluctuations in water surface elevations of Castac Lake. The comment includes an accurate quote from the 1997 Trihey & Associates "Tejon Lake Hydrology Study" that is referenced in the Draft EIR.

Response 25 C8.

Commentor state that the natural state of Castac Lake is a “unique, saline environment that cycles between aquatic and terrestrial habitat,” depending on the time of year and the amount of rainfall in the precious rainy seasons.

The ongoing management of Castac Lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. Historical conditions of the Lake were summarized in the Draft EIR. See page 4-8.4 of the Draft EIR.

Historical evidence described in the Trihey & Associates 1997 Hydrology Study, which was referenced in Appendix N-1 of the Draft EIR, supports the commentor’s statement that historical water surface elevations have varied significantly, ranging from completely dry to high levels that result in flows spilling into Grapevine Creek. Available historic evidence confirms that – with no groundwater augmentation – the lake is generally ponded in multi-year wet conditions, the lake has and does support introduced fresh water species without groundwater augmentation, and the lake would also go through limited-duration dry years during periods of multi-year drought conditions. Detailed information about the Lake's history and management is included in the PACE Report (2006), a technical reference cited in the Draft EIR that was provided upon request to commentors during the public comment period. Tejon Ranchcorp has also prepared a letter describing its lake management activities over time, which is included as a new Appendix I-3 to the Final EIR in response to comments. To avoid substantial water elevation fluctuations and associated potential adverse consequences to Ranch access for TRC and DWR, to avoid impacts to existing habitat values and protected species (e.g., through loss or degradation of existing habitat areas), and to avoid impacts to public health (e.g., through windborne distribution of dust from potentially dry lake bed areas), the lake volume has at some times during and after October 2001 been augmented by groundwater which is pumped from nearby agricultural wells. These management
decisions, and ongoing management needs relating to the lake, exist without regard to the Tejon Mountain Village project, and pre-date the Tejon Mountain Village project.

Response 25 D8.

Commentor notes the following statement in the Draft EIR: "Since 2001, the Tejon Ranch Company has maintained the lake surface at approximately 3,503 feet by discharging groundwater into the basin." TCW comments that this management has converted the natural, ephemeral saline aquatic environment to a year-round freshwater aquatic environment, and that the aerial extent of the lake has been increased from a typical high of 250 acres to 380 acres or more. The comment states this alteration of the natural environment has numerous impacts to the environment that must be analyzed in the Draft EIR.

The comment includes an accurate quote from the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Regarding the ongoing management of Castac Lake and historic Castac Lake conditions, as well as potential impacts regarding downstream flooding, please refer to the Response to Comment 12-H and Global Response 7.5.1, Castac Lake. The conditions described in the comment predate the proposed Project, and cover an area that is outside of the Draft EIR. The "impacts" referred to in the comment are historical and are not associated with the Project. Historical conditions of the lake are briefly summarized, and water quality impacts associated with the Project on Castac Lake and Grapevine Creek are thoroughly discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY.

Response 25 E8.

Commentor states that it will be difficult to maintain water quality in the Castac Lake during dry periods. A graph from the 2006 Lake Report by Pacific Advanced Civil Engineering, Inc. (PACE) is presented by TWC that shows increasing trends in TDS concentration in the lake between 2001 and 2004. They state that the increase in TDS levels occurred in spite of above average rainfall in one of the winter '02-'03.

The ongoing management of Castac Lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. The Draft EIR did assess the Project's potential surface water quality impacts in the Castac Lake watershed, including potential impacts to the lake, and found them to be less than significant (refer to pages 4.8-22 through 4.8-47 of the Draft EIR). Salinity levels (Total dissolved solids or TDS) in Castac Lake are in fact projected to decrease post-construction due to the Project's design to increase the release of treated low TDS stormwater. Draft EIR, Table 4.8-12.

Note that TDS concentrations in the lake do show a response to precipitation in early 2003. Recorded precipitation at Lebec was 14.9 inches in water year 2003, which is slightly above the long-term average. The most significant recorded precipitation in water year 2003 occurred in February at 6.2 inches, which corresponds to observed declines in TDS concentration shown in the PACE Report (2006). The comment includes an accurate reproduction of Figure 29 of the PACE Report, which is referenced in the Draft EIR.

Response 25 F8.

Commentor states that toxic trace elements would be expected to increase in the Castac Lake water as salinity increases. TCW describe geochemistry studies documented in the 1968 dissertation by Dr. Edward Laskowski. TCW notes that this study examined the sources of toxic trace elements found in high concentrations in the Castac Lake water including extensive soil sampling was conducted in the surrounding watersheds. The comment notes that the Laskowski study showed that the source of selenium, copper, zinc, boron and manganese was the native soils and parent materials surrounding the lake. The study found high concentrations of these elements in rain runoff going to the lake. The
comment notes that the Laskowski study also did qualitative analysis of Castac basin waters looking for the presence or absence of other elements and found that lead, molybdenum, tin and vanadium were present. Finally, the comment noted that uranium is known to be present in area well water at concentrations approaching drinking water limits.

The comment accurately describes the dissertation by Edward Laskowski, which was reviewed as part of the water quality impact assessment for the Project. Data from the dissertation were considered, along with other technical considerations, to select Project pollutants of concern including the selection of selenium and arsenic during the construction phase of the Project. See Section 4.1.2 of Appendix I-1 of the Draft EIR.

The work of Dr. Laskowski is discussed in more detail in the PACE Report and referenced in the Draft EIR. The PACE Report states that Dr. Laskowski’s dissertation was the only known source of water quality data prior to 1990. PACE found that “concentrations obtained from Laskowski’s 1967 sampling are 10-40 times higher than 2002 analysis.”

An explanation provided in the PACE Report states:

“It is believed that the mechanism for the increases in dissolved concentrations was primarily evaporation. Although the lake was reportedly near capacity in the early 1960s, the lake was reported as a few feet deep at the time of Laskowski’s dissertation (1950s) after an extended drought. Thus, the concentrations of metals and other constituents (i.e. TDS) likely increased over 10-fold as the volume of the lake decreased 10-fold as compared to 2002 (source: Laskowski data comparison).”

The water quality of surface streams, including Castac Lake, was monitored in the winter of 2006/07 to provide data for the Project water quality impacts analysis, including data regarding existing levels of trace elements such as metals. Data were collected in selected streams, including Cuddy Creek upstream from Castac Lake, and Grapevine Creek near Castac Lake and north of Rising Creek. Refer to pages 4.8-5 and 4.8-6, and Section 2.8 in Appendix I-1 of the Draft EIR.

Elevated levels of selenium and arsenic were detected in Castac Lake fish tissue, and both constituents were noted to be naturally occurring in soils within the Castac Lake Valley (Draft EIR, Appendix 1.) Selenium concentrations of 1 part per million (ppm) and arsenic concentrations ranging from approximately 4 to 33 ppm were detected in soils in the Castac Lake watershed. The natural occurrence of these constituents in soils in the Castac Lake watershed and the corresponding concentrations in Castac Lake fish are part of the existing conditions of Castac Lake and its watershed and constitute the baseline for the analysis of the Project’s potential impacts on the lake. The wet season monitoring data collected in 2006/07 to inform the Project's analysis of potential stormwater runoff impacts on Castac Lake indicated neither selenium nor arsenic concentrations above the CTR acute criteria of 20 µg/L and 340 µg/L, respectively. As discussed in the Draft EIR in Appendix I-1, selenium and arsenic were selected as pollutants of concern (POCs) for the construction phase of the Project given the potential for runoff from construction-disturbed soils to carry these constituents. These constituents were not considered POCs for the post-construction condition of the Project, however, since runoff from urban areas is not a typical source of these metals. Draft EIR, Appendix I-1.

The Draft EIR also specifically analyzed copper, lead and zinc, which were used as surrogates for trace metals as they are the most prevalent metals commonly found in urban runoff. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY and Appendix I-1. Runoff modeling indicated that, post-construction and with mitigation, dissolved copper concentrations would rise slightly (from 2.6 to 3.2
µg/L) in runoff entering Castac Lake, total lead concentrations would be unchanged, and total zinc concentrations would decrease (from 53 to 45 µg/L). Id. All of the post-construction, with-mitigation concentrations in runoff of these three constituents would be significantly below the applicable CTR acute criteria and would be consistent with pre-construction, baseline conditions. Thus, the Project would not cause or contribute to an exceedance of water quality criteria for metals, and water quality impacts due to metals would be less than significant with mitigation. Id.

Castac Lake water quality was also monitored by PACE between 2000 and 2005. The PACE Report found that cadmium, copper, lead, and mercury were consistently not detected in the lake water column sampling. Arsenic, selenium, and aluminum showed occasional exceedances of MCLs, but were consistent with concentrations in other California lake systems. These data represent the baseline conditions of the lake, and as discussed above, metals concentrations in Castac Lake will generally be unchanged post-construction with mitigation. Thus, toxic trace element concentrations in Castac Lake are not expected to increase as a result of the Project. Source controls, which are not accounted for in the water quality modeling, are also expected to provide additional water quality benefits. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY.

Response 25 G8.

The comment is a diagram showing mercury deposits in California's mercury mineral belt, based on an undated U.S. Geological Survey study, "Geologic Studies of Mercury by the U.S. Geologic Survey." According to the comment, the map depicts a formation in the Project area as a neogene volcanic field and is labeled on the map as "San Emigdio." The comment accurately describes the content of the map. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.


Commentor states that the Draft EIR must quantify mercury levels in soils and runoff in the Castac Lake watershed. TCW states that fish tissue data reported in the Draft EIR showed elevated levels of mercury, and that more extensive sampling must be done to properly assess the bioaccumulation of mercury in the Lake.

The Draft EIR assessed the Project’s potential surface water quality impacts in the Castac Lake watershed in Section 4.8 (HYDROLOGY AND WATER QUALITY). The Draft EIR concluded that impacts would be less than significant (refer to pages 4.8-22 through 4.8-47 of the Draft EIR). As part of this assessment available water quality data from the lake, surface streams, and other sources was reviewed to determine if mercury is a pollutant of concern for the Project. Mercury was not identified as a project pollutant of concern for reasons discussed below.

The water quality of surface streams was monitored in the winter of 2006/07 to provide data for the Project water quality impacts analysis. Data were collected in selected streams, including Cuddy Creek upstream from Castac Lake, and Grapevine Creek near Castac Lake and north of Rising Creek. Dissolved mercury was not detected at any sampling location. Total mercury was detected in levels only slightly above the 0.2 µg/L detection limit in one sample taken from each of the Silver Creek, upper Grapevine Creek, and middle Grapevine Creek locations. Refer to pages 4.8-5 and 4.8-6, and Section 2.8 in Appendix I-1 of the Draft EIR.

Mercury is not typically found in runoff from urban land uses. Extensive monitoring of stormwater runoff from various urban land uses in Los Angeles County indicates that mercury is typically not
detected or is detected at very low levels (refer to Appendix I-1 of the Draft EIR). Therefore, stormwater runoff from the Project development areas is not an anticipated significant source of mercury in receiving waters, including Castac Lake.

Mercury levels in Castac Lake have been previously monitored by Pacific Advanced Civil Engineering, Inc. (PACE). Findings are discussed in the 2006 PACE Report and referenced in the Draft EIR. PACE found that mercury was consistently not detected in lake aqueous samples collected between May 2002 and March 2005 (refer to Figure 25 in the PACE Report). The reported detection limit was 0.2 μg/L. Therefore, aqueous mercury concentrations in the lake are below the USEPA recommended ambient water quality chronic criterion for freshwater aquatic life protection of 0.77 μg/L.

As mentioned by the commentor, two fish tissue samples from largemouth bass (> 3 lbs) were collected by PACE and analyzed for mercury. This data is summarized in Section 2.8.6 in Appendix I-1 of the Draft EIR, and is discussed in more detail in the PACE Report. Mercury was measured at a concentration of 0.6 mg/kg in the tissue samples. PACE states that mercury concentrations in the Castac Lake largemouth bass are three times greater than median concentrations in salmon or tuna samples (0.2 mg/kg) as documented in a 2000 FDA study. The PACE Report also compares the Castac Lake samples to a 2006 Los Angeles Times study, which reported median sushi bar fish mercury concentrations of 0.82 mg/kg, approximately 0.2 mg/kg higher than the Castac Lake samples. The two samples have concentrations greater than the non-regulatory, California advisory tissue level for mercury of 0.44 mg/kg, but well below FDA action level of 1.0 mg/kg. As discussed above, stormwater runoff from the Project development areas is not an anticipated source of mercury in Castac Lake.

In summary mercury was not selected as a Project pollutant of concern for the water quality impact assessment for the following reasons:

- Mercury is typically not detectable or is detectable at very low levels in runoff from urban development similar to the proposed project;
- Mercury was not detected or was detected at very low levels in surface streams that were sampled in the winter of 2006/07;
- Mercury was not detected in Castac Lake water samples collected by PACE between 2002 to 2005; and
- PACE reported that mercury levels in fish tissue samples from Castac Lake are elevated in comparison to median levels found in tuna and salmon, but are below the FDA limit.

**Response 25 I8.**

Commentor states that a TRC consultant from PACE reported on water quality and other parameters of "Tejon Lake" in a 2003 water conference, at which "relatively high" concentrations of aluminum, zinc, arsenic, and manganese, and "moderate" concentrations of selenium were found. PACE is a TRC consultant, information from PACE has been referred to in the Draft EIR, and PACE is an author of an EIR reference. The conference presentation described by Commentor is not part of the EIR. However, water quality information about Castac Lake (apparently referred to as Tejon Lake during the presentation at issue), is reported in Section 4.8, HYDROLOGY AND WATER QUALITY. Specifically, water quality of the lake was evaluated to determine potential impact to the lake from Project runoff, and included an evaluation of those metals that typically occur in runoff (dissolved copper, lead and zinc). See Draft EIR, Table 4.8.8. The 2006 PACE report was also included as a Reference, which was made available to Commentor and others during the public comment period on the Draft EIR. This PACE
Report includes water quality data regarding the lake, including information on aluminum, zinc, arsenic, manganese, and selenium. PACE Report, Chapter 9. The PACE Report shows that there have been variations in the levels of these chemicals over time, but does not show any "relatively high" concentrations of aluminum, zinc, arsenic or manganese. Similarly, the PACE Report shows that selenium levels were low, had a short period of higher levels, and then returned to low levels. Selenium is not present at "moderate" levels: the PACE Report notes that the lake meets drinking water standards for selenium. Please refer to Global Response 7.5.1 for further information about the Castac Lake.

Response 25 J8.

Commentor states that trace elements pose unique environmental hazards and that the Draft EIR needs to include a thorough analysis of trace element concentrations in the lake water and shallow sediments over time. They state that this should be a multi-year effort including drought periods when replenishment supplies are unavailable and lake levels are low. The comment states that these analyses should include selenium, copper, zinc, boron, manganese, lead, molybdenum, tin, vanadium, mercury and uranium and any other elements of potential concern.

The ongoing management of Castac Lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. Regarding the analysis of water quality impacts related to metals, please refer to Response to Comment 25-F8, above. Available water quality data from the lake, surface streams, and other sources were reviewed to determine the pollutants of concern that would be evaluated in the water quality impact assessment for the Project (refer to Appendix I-1 of the Draft EIR). The PACE Report included data sampling for many of the constituents mentioned in the comment, and of those, only selenium, boron, and manganese were detected in Castac Lake. As noted in the 1968 dissertation by Dr. Edward Laskowski, which was referenced in the Draft EIR and in the PACE Report, these constituents were found to be naturally occurring in the Castac Lake watershed.

The water quality of surface streams was monitored in the winter of 2006/07 to provide data for the Project water quality impacts analysis. All of the constituents mentioned in the comment, except tin, were monitored. Similarly, most of the constituents (except tin, molybdenum, and uranium) were analyzed in urban stormwater monitoring conducted by the Los Angeles County. The Pollutants of Concern for the Project water quality impact analysis were selected, in part, based on review of the Los Angeles County and Tejon Mountain Village stormwater monitoring data. Copper, lead and zinc were specifically assessed in the Project water quality impact analysis as they typically are the metals of concern in urban runoff and because they serve as surrogates for other trace metals. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY and Appendix I-1. The Draft EIR found that the Project’s potential surface water quality impacts in the Castac Lake watershed are less than significant after the implementation of mitigation measures (refer to pages 4.8-22 through 4.8-47 of the Draft EIR).

Response 25 K8.

The Commentor states that the larger managed condition of Castac Lake is more attractive to more species in higher numbers than the natural saline lake. They state that the Draft EIR should assess the risk to wildlife. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. Regarding the comment's characterization of Castac Lake as a "natural saline lake", please refer to Response to Comment 25-C8, above.

The Draft EIR thoroughly assessed risks to wildlife in Section 4.4, BIOLOGICAL RESOURCES. Mitigation measures to address potential impacts to wildlife include the significant water quality mitigation measures and ongoing water quality monitoring that will be used to identify problems. Id.
Furthermore, monitoring data collected by TRC have been compared to water quality objectives and criteria that are protective of aquatic wildlife. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY. Water quality-related impacts to wildlife were determined to be less than significant with mitigation. Id.

**Response 25 L8.**

The Commentor states that an assessment of risk to wildlife must include a determination whether present-day or future potential toxic element concentrations exceed water standards for wildlife. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. Regarding the analysis of trace metals in the water quality modeling, please refer to Response to Comment 25-F8, and regarding water quality-related impacts to wildlife, please refer to Response to Comment 25-K8, above. Monitoring data assessed are in the Draft EIR. Sections 4.8, HYDROLOGY AND WATER QUALITY and Appendix I-1 indicate that metals concentrations in runoff post-construction with mitigation will be well below all applicable CTR acute criteria will be consistent with water quality objectives and criteria that are protective of aquatic wildlife.

**Response 25 M8.**

Commentor states each element of concern must be evaluated individually for its relative risk based on its chemistry, its toxicity to wildlife and known fate in aquatic systems. The comment notes that selenium is known to bioaccumulate and that the Kesterson Wildlife Refuge was shut down “due to selenium concentrations in migratory birds and causing deformities in hatchlings”. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. Regarding the analysis of trace metals in the water quality modeling, please refer to Response to Comment 25-F8 and regarding water quality-related impacts to wildlife, please refer to Response to Comment 25-K8, above. Regarding the comment concerning selenium bioaccumulation in migratory birds in the Kesterson Wildlife Refuge, the comment is noted for the record.

Monitoring data are assessed in the Draft EIR. Section 4.8, HYDROLOGY AND WATER QUALITY and Appendix I-1 indicate that metals concentrations post-construction with mitigation will be well below all applicable CTR acute criteria will be consistent with water quality objectives and criteria that are protective of aquatic life. Specifically, selenium is not found above detection limits in runoff from urban development and it is not expected to be found in runoff from the project.

**Response 25 N8.**

Commentor states that the Draft EIR must include analyses of tissue samples from flora and fauna found in the lake to determine how trace elements are affecting wildlife. They indicate that analyses should assess a cross section of species through the food chain, in sufficient numbers to provide statistically valid results.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. Regarding the analysis of trace metals in the water quality modeling, please refer to Response to Comment 25-F8, and regarding water quality-related impacts to wildlife, please refer to Response to Comment 25-K8, above. Tissue samples of Castac Lake fish were analyzed in the 2006 PACE Report, which was included as a reference to the Draft EIR. See Appendix I-1 of the Draft EIR. Monitoring data assessed in the Draft EIR (see Section 4.8, HYDROLOGY AND WATER QUALITY and Appendix I-1) indicate that metals concentrations in runoff from project areas post-construction with mitigation will be
well below all applicable CTR acute criteria will be consistent with water quality objectives and criteria that are protective of aquatic life.

**Response 25 O8.**

Commentor states that migratory birds will be attracted to the modified Castac Lake, probably in high numbers. TCW states that the EIR needs to determine how the presence of potentially toxic levels of trace elements may affect migratory birds and whether the project violates the Migratory Bird Treaty. The comment states that the EIR should include a plan for management of migratory birds that includes hazing or other scare tactics to prevent nesting if selenium or other toxic elements pose a risk. TCW comments that elevated risk for selenium exposure in aquatic ecosystems is 5 parts per billion. The comment states that U.S. Fish and Wildlife should conduct bird counts, nest counts and egg viability and tissue trace element analysis to determine present-day risks to migratory birds. TCW states that the Draft EIR must evaluate future risk based on these analyses.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. Regarding the analysis of trace metals in the water quality modeling, please refer to Response to Comment 25-F8, and regarding water quality-related impacts to wildlife, please refer to Response to Comment 25-K8, above. Regarding potential Project impacts to migratory birds, please refer to Response to Comment 25-T4. As discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY) and Appendix I-1, metals including selenium, about which the comment specifically expresses concern, are found naturally occurring in soils in the Castac Lake watershed. Draft EIR, Appendix I-1. These naturally occurring concentrations, as well as data indicating elevated concentrations of constituents such as mercury in Castac Lake fish, predate the Project and represent existing baseline conditions. Also, as discussed in Global Response 7.5.1, Castac Lake, the ongoing management of Castac Lake is not part of the Project, so to the extent that migratory birds are "attracted" to Castac Lake, this behavior cannot be attributed to any impacts associated with the Project. As discussed in Response to Comment 25-F8, above, metals concentrations in stormwater runoff to Castac Lake from the Project will generally decrease post-construction with mitigation relative to existing conditions, and water quality will improve for several other parameters as well. See Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY. The Draft EIR determined that water quality impacts to Castac Lake will be less than significant with mitigation. Similarly, as discussed in the Draft EIR in Section 4.4, BIOLOGICAL RESOURCES, Project impacts to biological resources will be reduced to a less than significant level through the implementation of mitigation measures described in Section 4.4.

**Response 25 P8.**

Commentor states that by keeping the Castac Lake basin full, the natural flow in Grapevine Creek is altered, along with its water quality and the groundwater hydrology of the Grapevine Creek basin. The comment states that it follows that the impacts on Grapevine Creek also impact the species that live there, and that the modified lake likely impacts the water quality of Grapevine Creek. TCW states that there is some evidence of this in Appendix I, which show that water quality in Grapevine Creek is poor near the lake and improves at downstream sampling sites.

Please refer to the Response to Comment 12-H.
Response 25 Q8.

TCW comments that in its natural state the Castac Lake functioned as a catchment for floodwaters from the surrounding creeks, and that it is important to understand how the lake's modification has increased the threat of flood damage down slope. TCW states that under natural conditions Castac Lake was much smaller in area and volume than the modified lake and it evaporated to varying degrees of dryness each summer. The comment states further that by the start of the rainy season each year the basin was only partially full or completely dry and could accept and store the flood waters from Cuddy Creek. The comment notes that all present downstream facilities were constructed assuming these natural conditions.

Regarding the ongoing management of Castac Lake and historic Castac Lake conditions, as well as potential impacts regarding downstream flooding, please refer to the Response to Comment 12-H and Global Response 7.5.1 regarding Castac Lake issues more generally. The Project’s potential impacts on increased flooding on site or off site are discussed thoroughly in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Quantitative analyses of peak 100-year storm flows were conducted and are summarized on page 4.8-56 of the Draft EIR and are discussed in detail in Appendix I-2 of the Draft EIR. Mitigation Measures 4.8-41 and 4.8-42 specify construction of flood control berms and engineered embankments in areas subject to 100-year flood risks. The Project’s potential impacts on flooding were found to be less than significant after implementation of mitigation measures.

Response 25 R8.

Please refer to Response to Comment 12-H.

Response 25 S8.

Please refer to Response to Comment 12-H.

Response 25 T8.

TCW comments that the wells that keep Castac Lake full share the same groundwater basin as the town of Lebec and that by keeping the Castac basin full of water, Castac Lake has become the single biggest user of water in a relatively small groundwater basin and dwarfs the other users. Regarding the ongoing management of Castac Lake and historic Castac Lake conditions, please refer to the Response to Comment 12-H, above. Relative utilization of groundwater by different users is uncertain in this unadjudicated basin; please refer to Appendix I-3 regarding TRC’s willingness to enter into a cooperative groundwater management planning process with water districts and water users, which would help develop more information about groundwater utilization and management.

Response 25 U8.

TCW comments that Tejon-Castac Water District (TCWD) is planning on using up to 3,600 acre-feet per year for lake-filling and other uses according to the 2003 TCWD urban water management plan, and that this a volume nearly equal to or exceeding all available recharge to Cuddy Canyon, according to the Schmidt report in the Frazier Park/Lebec Specific Plan. TCW states that the water will ultimately come from the small, narrow Cuddy Creek stream channel aquifer, which feeds into the Castac basin.

The 2003 TCWD urban water management plan assumed that the Project would use local groundwater as a potable water supply. The Project proponents elected not to use local groundwater as a potable water supply in response to comments and concerns regarding the impact of such an extraction program on other water users in the area. The Draft EIR states that although TCWD has rights to significant
groundwater supplies, no groundwater would be extracted from the Castac Lake Groundwater Basin to meet either Tejon Industrial Complex or Tejon Mountain Village project demands. The Project water supplies are also described in the Draft EIR. Draft EIR, Section 4.16, UTILITIES AND SERVICE SYSTEMS. Accordingly, the project will not adversely impact the water supplies within the Castac Lake groundwater basin.

**Response 25 V8.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 W8.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 X8.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 Y8.**

Commentor notes that the Garlock Fault passes under Castac Lake and speculates that an earthquake could cause a release of lake water on I-5 and other downslope facilities. Commentor further states that a “simple limnological study” should be conducted to “reveal the effects of the 1857 earthquake”.

The geotechnical and geologic reports prepared for the EIR (Appendix G-1, “Preliminary Geotechnical Exploration and Summary of Geologic Constraints” by ENGEO and Appendix G-2 “Fault Rupture Hazard Investigation” by ECI) included detailed evaluation of the effects that the movements of the Garlock Fault has had on the alluvium that lies between the lake and Grapevine Creek. These studies included over 100 borings and cone penetrometer soundings, fault trenches, imaging of subsurface conditions to depths of over 600 feet with deep geophysically logged borings and three sophisticated seismic reflection and resistivity profiles extending across the full width of the on-site portions Castac Valley in both north-south and east-west directions, radiocarbon dating of soil samples, and a study of landforms based on evaluation of several sets of aerial photographs and historic topographic maps covering the area. These studies show that Castac Lake has formed behind a wide, stable mass of alluvium that has accumulated over the last several hundred thousand years and continues to accumulate at a rapid rate.

Based on the recurrence intervals of the San Andreas fault the Garlock Fault and other active faults in the region, the alluvium in valley has been subjected to hundreds of earthquake events since the lake has been in existence. There is no evidence that an earthquake has ever resulted in a catastrophic breaching of the alluvium between the lake and Grapevine Creek; in fact the rate of deposition in the valley is so high that there is no visible fault trace at the surface. Therefore, it is not likely that a future earthquake could cause catastrophic breaching of the alluvium at the outlet of Castac Lake.

**Response 25 Z8.**

Please refer to the Response to Comment 25-Y8.

TCW comment addresses concerns related to fluctuations in water levels in Castac Lake and lake water quality. The commentor references the 1968 report by Laskowski, in which round vent features in the lake bottom sediments are described. The commentor states that the Draft EIR must investigate these vents and their implications for lake management.

Please see Global Response 7.5.1, Castac Lake, which explains that the Tejon Ranch Company has conducted lake management activities in the past, and since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project.

Nevertheless, the following discussion is provided for the purpose of providing additional information regarding the Castac Lake setting. The Stetson (2006) and PACE (2006) reports (referenced in Draft EIR Appendix I-1) updated the Laskowski (1968) report when mentioning the presence of “funnel-like depressions” (Stetson 2006) and “drainage funnels and mud volcanoes” (PACE 2006) in the lake bottom. According to Stetson (2006), these features are likely erosional features caused by upflow of groundwater to the lake. Because these features were detected as early as 1968, they are not associated with lake management.


Commentor states that significant surface inflow to Castac Lake generally only occurs with high rainfall and/or snowmelt events and that these inflows carry with them a significant sediment load that is gradually filling in the Castac basin. TCW states that the 1968 dissertation by Dr. Edward Laskowski documents sedimentation rates in Castac Lake of 1.5 feet in 28 years. TCW states that sedimentation of the lake must be evaluated.

The comment accurately cites the study by Dr. Laskowski, which was referenced in the Draft EIR. As discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY, sedimentation, including in the Lake, is a natural process that can be accelerated by development, unless carefully designed and implemented BMPs are included. Natural sedimentation processes also occur in the lake, but at a very gradual level which also varies with seasonal storm events and other factors. As requested by TCW, the Draft EIR does include a specific analysis of potential erosion sources that could be impacted by development and specific control measures to minimize erosion and resulting sedimentation. Erosion was also considered as part of the cumulative impacts analysis in Chapter 4.8 of the Draft EIR, HYDROLOGY AND WATER QUALITY.

The Project also includes numerous site design, source control, and structural treatment Best Management Practices (BMPs), including extensive use of Low Impact Development (LID) concepts. The Project BMPs meet or exceed stormwater management requirements for urban development in the Bakersfield and Los Angeles County NPDES Permits (refer to Section 9.3 of Appendix A-1 in the Draft EIR). The Project BMPs comprise Mitigation Measures 4.8-1 through 4.8-40 in the Draft EIR. The selected Mitigation Measures were designed to provide a high level of effectiveness for controlling post-development runoff volumes and controlling and reducing the levels of the pollutants of concern. The Project’s potential surface water quality impacts in the Castac Lake watershed were found to be less than significant after implementation of the Mitigation Measures (refer to pages 4.8-22 through 4.8-47 of the Draft EIR).
The Project is not anticipated to cause excessive sedimentation to the Lake based upon the following analyses described in the Draft EIR:

A detailed hydromodification analysis and control plan was prepared for the Project. The hydromodification analyses are described in Appendix D to the Technical Water Quality Report that comprises Appendix A-1 of the Draft EIR. The analyses included field evaluations to specifically indentify and characterize potential stream erosional areas for purposes of the selection and design of BMPs. Quantitative analyses were then conducted to size BMPs such that discharges will be consistent with pre-development flow durations in the receiving streams. This analysis considered the sensitivity and hydrologic conditions of individual receiving streams, including potential hydromodification impact caused by the reduction of sediment supply. Hydromodification control BMPs will be incorporated into the Project for all areas in the Castac Lake Watershed that are sensitive to hydromodification.

The effectiveness of the Project BMPs for controlling runoff volumes, and total solids was assessed quantitatively. With mitigation, average runoff volumes from the total Project site are estimated to increase by less than 10 percent over existing conditions (refer to pages 4.8-31 through 4.8-32 and Section 9.1.1 of Appendix A-1 in the Draft EIR). The estimated average runoff volumes are virtually unchanged (slight increase) in four of five major watersheds. Most of the estimated increase in runoff volume would occur in the Castac Lake watershed due to the use of traditional water quality basins in areas on the west side of the Lake that can discharge directly to the Lake or to drainages with a low risk of hydromodification. This was done by design as treated discharges from the basins are expected to have higher water quality than the water quality identified in the lake. This is considered a net water quality benefit that will assist with lake management.

The sediment levels in Project streams are quite variable when they are flowing due to storm runoff. Quantitative analyses suggest post-development total suspended sediment (TSS) loadings would fall by approximately 10 percent in comparison to existing conditions. See Draft EIR at 4.8-32 through 4.8-33 and Draft EIR Appendix A-1, Section 9.1.2. Most of the decrease would occur in the Castac lake watershed, which is considered a water quality benefit for the lake. Note that the conversion of existing grazing areas to preserved open space and urban space will also help to reduce sources of sediment loads to the Lake. The Basin Plan narrative standard for TSS would be met because the Project would not significantly modify existing TSS levels or adversely affect designated beneficial uses.

Finally, it should be noted that the vast majority of the tributary area to Castac Lake lies outside of the Project in the Cuddy Creek Watershed. Much of the existing urban development is in the Cuddy Creek Watershed and has little or no runoff controls in place.


Commentor states that the Castac basin has a number of characteristics that make it a poor location to attempt to manage a recreational lake, that the lack of a continuous inflow means that the lake will get stagnant and require constant aeration to maintain oxygen levels, and that the lake's triangular shape, high temperatures, and high nutrient load will work against that effort. Commentor states comments that the lake will therefore trend toward eutrophication, which will lead to algal mats, cloudy water, fish kills and stench.

Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1. The Project does not include any conversion of the lake to recreational uses. Commentor's opinion about the suitability of the lake for recreational uses is noted for the record, and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.
Additionally, project impacts to Castac Lake water quality were discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. The Project Mitigation Measures include source control and treatment control BMPs that will control nutrient sources to the Lake (refer to pages 4.8-38 through 4.8-47 in the Draft EIR).

Nutrient over-enrichment is especially prevalent in agricultural areas where manure and urine from grazing animals and fertilizer inputs to crops significantly contribute to nitrogen and phosphorous levels in receiving waters. Conversion of existing grazing areas to urban uses and preserved open areas will help to reduce nutrient loadings to the Lake. Moreover, the Project mitigation measures include specific and treatment control measures that will help to reduce nutrients in runoff from golf course and equestrian areas. The following are some of the site design BMPs specified for the Project.

**Equestrian Site Designs:**

- Control potential runoff from water troughs with automatic watering systems or other means.
- To reduce erosion, keep areas well vegetated and manage pastures to prevent heavy grazing such as rotating the use of pastures to allow grasses to regrow.
- Maintain a buffer strip of vegetation downslope of bare areas such as paddocks and turnouts to help trap sediment.
- Manage manure storage by isolating stockpiles from direct rainfall and stormwater runoff. This includes covering the area, berming the area, and/or potentially covering the ground with a tarp or concrete pad. Dispose of manure in a timely manner in the active solar dryers (solar greenhouses) that will be used to dry and stabilize waste solids from the reclaimed wastewater treatment process.
- Design paddocks with a gravel or sand bottom to promote percolation of water and pollutants.
- Route the discharge from horse wash areas to the Septic Tank Effluent Pumping (STEP) system, which discharges to the sanitary sewer.

**Golf Course Site Designs:**

- Natural vegetation areas will be preserved to the extent possible for roughs and managed buffers. Buffers and setbacks will be maintained between intensively managed areas of the golf course and watercourses.
- Native, drought-tolerant vegetation will be incorporated into managed buffers and landscaped areas.
- Introduction of impervious surfaces in the landscape design will be reduced, such as the use of decorative concrete. Walking and golf cart path widths will be constructed with the minimum width necessary. An alternative mitigation measure is to construct walkways, overflow parking lots and other low traffic areas with open-jointed paving materials or permeable surfaces such as pervious concrete, porous asphalt, unit pavers, and granular materials.
- Impervious area will be disconnected to the extent possible by designing runoff from cart paths, walkways, trails, roads and parking lots to disperse to swales, bioretention or other landscaped areas. Alternatively, the areas will be paved with open-jointed permeable materials.
• The greens (most intensely managed area) will be designed to reduce surface runoff and infiltration to the groundwater aquifer. The greens will be constructed with a layered soil profile that allows for water to infiltrate quickly to the root zone where it is conserved. Underdrains will be installed to capture irrigation water that infiltrates past the root zone, or to reduce saturation in the root zone if it occurs. Underdrains will route collected water to vegetated areas for treatment or to the reservoirs for re-use. Underdrains shall have adequate separation from the groundwater table.

• Surface and underdrain runoff from tees (second most intensely managed area next to the greens) will drain to bioretention areas or swales.

• Turf with the optimal characteristics for the climate and soils will be selected for the tees and greens, to reduce irrigation, pesticide and fertilizer requirements, and to improve resistance to diseases.

• Irrigation systems will be designed to apply water at a rate that does not exceed infiltration rates, will include "Smart" controllers that predict irrigation frequency based on vegetation evapotranspiration, and have automatic timers to avoid over-irrigation.

Quantitative analyses were conducted to assess pre- and post-development loads of nutrients to the Lake. Section 9.1.3 in Appendix A-1 of the Draft EIR provides a detailed discussion of the results. Total nitrogen loadings to the Lake are estimated to decrease under post-development. Because the Lake is considered nitrogen-limited, it was found that with implementation of Mitigation Measures, discharges associated with the Project will not promote nuisance algal growth or adversely affect beneficial uses, and will therefore comply with the Basin Plan objective. Therefore, the impacts of the projects with regards to eutrophication were found to be less than significant. Draft EIR at 4.8-34.


Commentor states that salinity levels in Castac Lake will be difficult to manage and that the lake will trend toward ever increasing lake salinity. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. Commentor's opinions regarding salinity are noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors. Additionally, the Project will use vegetated water quality detention basins to treat runoff from portions of the Castac Lake Watershed where there is no risk of hydromodification (stream erosion and resulting downstream in lake sedimentation). Treated discharges from the basins are expected to have higher water quality than the water quality identified in the lake. The treated discharges are expected to have low levels total dissolved solids (TDS) levels that will help to dilute salinity in the Lake. (TDS is an expression for the combined content of all inorganic and organic substances contained in a liquid which are present in a molecular, ionized or micro-granular (colloidal) suspended form. Generally the operational definition is that the solids must be small enough to survive filtration through a sieve size of two micrometers. Total dissolved solids are normally only discussed for freshwater systems, since salinity comprises some of the ions constituting the definition of TDS.) This is considered a net water quality benefit of the project that will assist with salinity management in the lake.

Quantitative analyses were conducted to assess pre- and post-development loads of TDS to the Lake from the Project. Section 9.1.4 in Appendix A-1 of the Draft EIR provides a detailed discussion of the results. TDS loadings and concentrations to the Lake are estimated to decrease under post-development. Based on these factors, the impacts from TDS were found to be less than significant.

Commentor states that in addition to eutrophication, salinity, and sedimentation, Castac Lake managers will be faced with a constant influx of toxic trace elements in runoff from the surrounding soils and rocks. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1. The water quality of surface streams, including Castac Lake, was monitored in the winter of 2006/07 to provide data for the Project water quality impacts analysis, including data regarding existing levels of trace elements such as metals. Data were collected in selected streams, including Cuddy Creek upstream from Castac Lake, and Grapevine Creek near Castac Lake and north of Rising Creek. Refer to pages 4.8-5 and 4.8-6, and Section 2.8 in Appendix I-1 of the Draft EIR.

Elevated levels of selenium and arsenic were detected in Castac Lake fish tissue, and both constituents were noted to be naturally occurring in soils within the Castac Lake Valley. Draft EIR, Appendix 1. Selenium concentrations of 1 part per million (ppm) and arsenic concentrations ranging from approximately 4 to 33 ppm were detected in soils in the Castac Lake watershed. Id. The natural occurrence of these constituents in soils in the Castac Lake watershed and the corresponding concentrations in Castac Lake fish are part of the existing conditions of Castac Lake and its watershed and constitute the baseline for the analysis of the Project’s potential impacts on the lake. The wet season monitoring data collected in 2006/07 to inform the Project's analysis of potential stormwater runoff impacts on Castac Lake indicated neither selenium nor arsenic concentrations above the CTR acute criteria of 20 µg/L and 340 µg/L, respectively. As discussed in the Draft EIR in Appendix I-1, selenium and arsenic were selected as pollutants of concern (POCs) for the construction phase of the Project given the potential for runoff from construction-disturbed soils to carry these constituents. These constituents were not considered POCs for the post-construction condition of the Project, however, since runoff from urban areas is not a typical source of these metals. Draft EIR, Appendix I-1.

The Draft EIR also specifically analyzed copper, lead and zinc, which were used as surrogates for trace metals as they are the most prevalent metals commonly found in urban runoff. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY and Appendix I-1. Runoff modeling indicated that, post-construction and with mitigation, dissolved copper concentrations would rise slightly (from 2.6 to 3.2 µg/L) in runoff entering Castac Lake, total lead concentrations would be unchanged, and total zinc concentrations would decrease (from 53 to 45 µ/L). Id. All of the post-construction, with-mitigation concentrations in runoff of these three constituents would be significantly below the applicable CTR acute criteria and would be consistent with pre-construction, baseline conditions. Thus, the Project would not cause or contribute to an exceedance of water quality criteria for metals, and water quality impacts due to metals would be less than significant with mitigation. Id.

Castac Lake water quality was also monitored by PACE between 2000 and 2005. The PACE Report found that cadmium, copper, lead, and mercury were consistently not detected in the lake water column sampling. Arsenic, selenium, and aluminum showed occasional exceedances of MCLs, but were consistent with concentrations in other California lake systems. These data represent the baseline conditions of the lake, and as discussed above, metals concentrations in Castac Lake will generally be unchanged post-construction with mitigation. Thus, toxic trace element concentrations in Castac Lake are not expected to increase as a result of the Project. Source controls, which are not accounted for in the water quality modeling, are also expected to provide additional water quality benefits. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY.


Please refer to Global Response 7.5.1, Castac Lake.

Commentor states that spatial and temporal water quality modeling must be conducted for Castac Lake in order to understand how the conditions will change over time. They state that modeling should be based on real data and should address known climatic variance and worst-case climatic scenarios. Regarding the ongoing management of Castac Lake, please refer to Global Response 7-5.1, Castac Lake. The lake itself is not part of the Project, but is part of the existing setting against which Project impacts must be evaluated under CEQA. The analysis of surface water quality impacts reflected the consideration of climatic factors in the analysis of flows into Castac Lake. The quantity of stormwater runoff in the Project area was determined by continuous hydrologic simulation using the U.S. Environmental Protection Agency Stormwater Management Model, specifically including the consideration of climatic data. See Appendix B ("Water Quality Model Methodology") attached to Exhibit I-1 of the Draft EIR. Hydrologic impacts of Climate Change as affecting the water supply for the Project were discussed in the Draft EIR in Appendix N-1. However, it would be overly speculative to attempt to quantify any specific impacts of Climate Change on Castac Lake or other specific streams in the Project area. As the U.S. Fish and Wildlife Service noted in its recent "90-day Finding on the Petition to List the Tehachapi Slender Salamander as Threatened or Endangered," "climate change models that are currently available are not yet capable of making meaningful predictions of climate change for specific, local areas such as the range of the Tehachapi slender salamander," and this statement applies with equal force to a specific water body such as Castac Lake.

Additionally, the Draft EIR appropriately assessed the potential impacts on Castac Lake by assessing pollutant loadings, concentrations, and runoff volumes to the Lake (refer to the Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY and the "Tejon Mountain Village Specific Plan Water Quality and Hydromodification Technical Report" regarding water quality modeling). The Project’s potential surface water quality impacts in the Castac Lake watershed were found to be less than significant after implementation of the Mitigation Measures 4.8-1 through 4.8-40 (refer to pages 4.8-22 through 4.8-47 of the Draft EIR). In fact, as discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY the Project would result in improved water quality in the Castac Lake watershed for several water quality parameters:

- **Total suspended solids (TSS):** Mean annual TSS concentrations in runoff to Castac Lake would decrease substantially. Draft EIR, Table 4.8-10.
- **Nutrients:** Phosphorus, ammonia and total nitrogen concentrations in runoff to Castac Lake would all decrease. Draft EIR, Table 4.8-11.
- **Total dissolved solids (TDS):** Substantial TDS reductions would occur in runoff to Castac Lake. Draft EIR, Table 4.8-12.
- **Metals:** Total zinc concentrations would decrease substantially in runoff to Castac Lake, total lead concentrations would be unchanged, and dissolved copper concentrations would increase slightly; all concentrations of these metals would be below the applicable CTR acute criteria. Draft EIR, Table 4.8-13.


The Commentor states that urban runoff causes deterioration of water quality. They state that runoff from the planned development will compound that water quality problems and must be included in the modeling mentioned in Comment 25-G9.

The Draft EIR, including the Water Quality and Hydromodification Technical Report that reflected comprehensive water quality modeling of runoff into Castac Lake, presents a comprehensive analyses of
potential Project impacts on water quality and hydromodification to surface receiving waters including Castac Lake (refer to Section 4.8, HYDROLOGY AND WATER QUALITY and Technical Appendix A-1).

The Project includes numerous site design, source control, and structural treatment BMPs including extensive use of LID concepts. The Project stormwater BMPs comprise Mitigation Measures 4.8-1 through 4.8-40 in the Draft EIR. Further description of the BMPs is found in Section 6 of Appendix I-1 in the Draft EIR.

The Project stormwater BMPs were selected to provide a high level of effectiveness for controlling post-development runoff volumes and reducing the levels of the pollutants of concern. Stormwater treatment and volume control BMPs will be implemented for all Project development areas. On-site bioretention controls will be used for the vast majority of the Project. Swales and filter strips are selected for treatment of all roadways as feasible and alternative approaches such a collection and treatment in sub-regional retention basins will be used for roadway sections with topographic constraints. Regional flow-duration basins are proposed to treat runoff from a small number of denser development areas where on-site bioretention controls are difficult to implement. Vegetated stormwater detention basins will be limited to the Castac Lake watershed where there is a low risk of hydromodification.

To assess the potential for increasing sedimentation in the lake, a detailed hydromodification analysis and control plan was prepared for the Project. The hydromodification analyses are described in Appendix D to the Technical Water Quality Report that comprises Appendix A-1 of the Draft EIR. Quantitative analyses were conducted to size BMPs such that discharges will be consistent with pre-development flow durations in the receiving streams. This analysis considered the sensitivity and hydrologic conditions of individual receiving streams, including potential hydromodification impact caused by the reduction of sediment supply. An outcome of the sizing analysis is BMP sizing nomographs based on local watershed characteristics including soil properties and sediment supply. The resulting BMPs will be sized to provide well over 90 percent volume capture. When properly designed and maintained, the BMPs will ensure that pre- and post-development flow durations will be similar. Therefore sediment loads to the lake should approximate current conditions and therefore the project is not expected to have a significant impact on the lake.

A quantitative analysis was conducted to evaluate the pre- and post-development stormwater runoff volumes and pollutant loadings to Castac Lake. The Project’s potential surface water quality impacts are discussed on pages 4.8-22 through 4.8-47 in the Draft EIR. For those pollutants modeled, the resulting concentrations were well below the acute water quality standards in the California Toxics Rule. For other parameters not modeled due primarily to the limited data above detection values, the Draft EIR included a qualitative assessment of the potential impacts of the Project as well as Mitigation Measures that would address them. In many cases the few available land use urban runoff data that are available are well below water quality standards. The Project’s potential surface water quality impacts were determined to be less than significant after the implementation of Mitigation Measures.

In fact, as discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY the Project would result in improved water quality in the Castac Lake watershed for several water quality parameters:

- **Total suspended solids (TSS):** Mean annual TSS concentrations in runoff to Castac Lake would decrease substantially. Draft EIR, Table 4.8-10.
- **Nutrients:** Phosphorus, ammonia and total nitrogen concentrations in runoff to Castac Lake would all decrease. Draft EIR, Table 4.8-11.
• **Total dissolved solids (TDS):** Substantial TDS reductions would occur in runoff to Castac Lake. Draft EIR, Table 4.8-12.

• **Metals:** Total zinc concentrations would decrease substantially in runoff to Castac Lake, total lead concentrations would be unchanged, and dissolved copper concentrations would increase slightly; all concentrations of these metals would be below the applicable CTR acute criteria. Draft EIR, Table 4.8-13.

**Response 25 I9.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 J9.**

Please refer to Global Response 7.5.1, Castac Lake.

**Response 25 K9.**

Commentor states that the Draft EIR was too voluminous a document on which to comment on during the 45-day period. Please refer to the Response to Comment 25-C and Response to Comment 59.

**Response 25 L9.**

Commentor disagrees with the Draft EIR's conclusion that there are no feasible mitigation measures to reduce to a less than significant level the project's impact to population growth. Population growth was identified in the Draft EIR as a significant impact because the project will bring population to a site that is currently used primarily for grazing, hunting, film production, and other non-residential/resort uses. Because there is no population at the site now, and the project will add population, this was considered a significant impact for CEQA purposes. Several alternatives were evaluated that would reduce the size of the project; these would have fewer people and thus less impact on population, but would still be a significant population increase from current levels. Other alternatives that would not include the project and would not have this population impact, such as the Natural Park Alternative, were also evaluated in the Draft EIR. The Commentor has not identified any mitigation measure relating to population that was not evaluated, or was improperly evaluated, in the Draft EIR, so a more specific response is not possible. The comment is also noted for the administrative record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 25 M9.**

The comment accurately quotes one of the Project Objectives, which may be found in Section 3.4. The comment states that this objective sounds good and plays well to the unemployed in the nearby Mountain Communities. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

**Response 25 N9.**

Commentor notes that the Pine Mountain Club was developed 39 years ago and is now nearing built-out status, states that the Pine Mountain Club has "drawn down County resources," and asks whether the Pine Mountain developers made the same promises as Tejon Mountain Village. The Pine Mountain Club was approved just two years after the implementation of the CEQA, and the development of that community was not subject to a comprehensive EIR evaluation and mitigation process. (The entire EIR for the Pine Mountain Club was only 9 pages!) As it has been strengthened and expanded over time by the courts and
the Legislature, CEQA now operates to force public agencies, developers and members of the public to systematically evaluate all project impacts, to adopt feasible mitigation measures, and to disclose significant unavoidable project impacts to inform enhanced decision making. The creation of the Pine Mountain Club was not subject to this process.


Commentor expresses concern that fire and law enforcement requirements were promised at Pine Mountain Club and never fulfilled. In addition, the commentor questions the length of time that it took to provide services to Pine Mountain Club. Finally, the commentor is concerned that a majority of school tax revenue will go to Arvin Unified School District, rather than El Tejon Unified School District.

Questions regarding services provided at the Pine Mountain Club are beyond the scope of these Final EIR responses to the Draft EIR.

Section 4.13, PUBLIC SERVICES, of the Draft EIR specifies mitigation for the Project's impacts on fire and law enforcement services. These mitigation measures establish a fair share funding and infrastructure development requirements to sufficiently offset Project impacts. Various entitlements (e.g., issuance of building permits and/or final certificate of occupancy, or approval of tentative tract maps, parcel maps, etc.) are conditioned upon the satisfaction of the requirements of these mitigation measures. In addition, the MMP will ensure that all mitigation measures are implemented. Please refer to Response to Comment 20-B regarding the Project's MMRP. The Draft EIR concludes that fire and law enforcement services are less than significant after mitigation.

In addition, although not part of the Draft EIR, the Project has proposed paramedic service through Kern County Fire Department in the Draft Development Agreement.

The payment of school fees is distributed according to State law and the geographic location of the Project within the various school districts.


Commentor suggests that the Project is attractive to the County because it will provide money to pay for infrastructure improvements such as ramps, roads and overpasses. Commentor suggests that, promised property value increases will not result because sufficient revenues will not be generated from future property taxes to pay for infrastructure maintenance. Commentor also believes that revenues will be directed toward hedge fund managers, Tejon executives and stock holders. These comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

The Project is planned as a private community with several options for funding construction and maintenance of facilities. For example, commonly owned land and facilities within the Project will be constructed by the developer and maintained by the Property Owners’ Association, Geological Hazard Abatement District or similar private entity. Certain other improvements, such the Lebec interchange improvements on I-5 or fire and sheriff facilities will be funded through a Community Facilities District or similar financing program that charges the property owners for the improvement costs. (Refer to the Mitigation Measures in the Draft EIR). Please refer to Response to Comment 25-O9, above, regarding the enforcement of Project mitigation measures.
Response 25 Q9.

The comment states that the Draft EIR claims that 25% of the permanent workforce of nonresidential facilities will live within a 30 minute commuting radius of the project. The comment expresses concern that the remaining 75% of the workforce will have to commute from farther distances such as from Bakersfield or Santa Clarita.

The Draft EIR states that facilities requiring more than 100 employees may have to demonstrate that 25% of their workforce lives nearby. Although the actual living location of employees once the Project is operational at full buildout in 2030 is unknown, the Draft EIR does presume that the remaining 75% of the workforce will have to commute from farther distances, in order to ensure a conservative analysis of traffic and associated impacts, such as air quality and climate change.

The Draft EIR assumes that the average trip lengths for trips generated by commercial facilities and hotels occurring outside of the Project’s boundaries (external trips) are approximately 29 and 41 miles, respectively, as presented in the Tejon Mountain Village Traffic Study (see Appendix M1 pages A-12 to A-18). The trip lengths for external trips are based on regional traffic studies and traffic models. In addition, these trip lengths consider all trips generated by the facilities, such as employee trips, customer and patron trips, and Project resident trips. These trip lengths reflect the long distances that employees are anticipated to commute once the Project is operational. For more information on the geographical breakdown of traffic and trips generated by the Project, please refer to Appendix M1 Tables 5-5, A-2, A-4, and A-5 of the Draft EIR.


In this and the following comments, commentor states that the permanent work force is not the initial 1620 high paid construction jobs, that local residents in Frazier Park will be lucky to get a job of this kind, and that mostly such work will be done by those not living in the Mountain Communities. Commentor also quotes the EIR as noting that construction workforce requirements would likely be fulfilled by firms specializing in short- to mid-term projects throughout California and the Western United States. Commentor correctly cites to the Draft EIR text, and to the construction job numbers. With respect to the duration of construction jobs, unlike standard suburban residential projects, Tejon Mountain Village is a mountain resort with a large number of custom lots for custom, rather than merchant, homebuilders. Custom homes generally tend to be constructed over a longer period of time, as buyers first must buy and then design their homes. Custom home products generally provide for a much longer period of construction jobs. With respect to the residency of construction workers, while general contractors for merchant builders and backbone infrastructure tend to operate regionally, construction workers are typically recruited and hired locally. As noted in the Draft EIR, "Construction workers who are residents in the area would be expected to commute to the site from their existing homes in the Lebec, Frazier Park, and Lake of the Woods areas; south Kern County; or the Bakersfield metropolitan area. A small number may move into the region for employment at the project site." Draft EIR at 4.12-9.


Please refer to Response to Comment 25-R9.


Commentor questions whether the 1620 construction job estimate is accurate. The Draft EIR preparers calculated construction jobs using standard methodology, including an assessment of different types of construction activities such as different types of construction equipment, and different components
(grading, infrastructure, etc.) of the Project. Commentor's opinion of the accuracy of this figure is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

The following tables provide further support for these calculations:
### County of Kern

#### Chapter 7. Responses to Comments

**County of Kern**

**Kern County**

**7-918 August 2009**

---

**TEJON MOUNTAIN VILLAGE**

**VEHICLE MILEAGE TRAVELED (VMT)**

**COMMUTER TRAVEL TIME**

**SUMMARY ONSITE**

P.O. Box 1000

Lebec, CA 93533

Tel: 555-555-5555, Fax: 555-555-5555

---

**15% of the Total VMT is Designated to Equipment Travel / Transition**

- Peak conditions are based on the average production increase over the entire activity duration.
- Example: 80% of the activity duration will benefit 5% production increase = 2.5% overall.

<table>
<thead>
<tr>
<th>CLEAR &amp; GRUB</th>
<th>Average Production</th>
<th>Peak Production</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dozer</td>
<td>10</td>
</tr>
<tr>
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<td>Dozer</td>
<td>10</td>
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<td>977 Loader</td>
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<tr>
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<td>950 Loader</td>
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<td>450 Excavator/Backhoe</td>
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</tr>
<tr>
<td>1</td>
<td>1/2 Water Truck</td>
<td>10</td>
</tr>
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</table>

**Total:**

| No. | | 157 | 160 |

- Operators per day 6
- Foreman 1
- Grade Checker 0
- Laborer 1

- Manpower per day: 11

- Commuter Travel time per day: 3

---

**MASS GRAZING:**

- Average Production
- Peak Production
- Average plus 5%

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<td>5.60</td>
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<td>4.45</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Total:**

|                | 1,045 | 1,105 |

- Operators per day 19
- Foreman 1
- Grade Checker 0
- Laborer 1

- Manpower per day: 22

- Commuter Travel time per day: 2

---

**Grazing:**

- Average Long Horse Production
- Peak Production
- Average plus 5%

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<tr>
<th></th>
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<th></th>
<th></th>
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<th></th>
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<tbody>
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<td>8.18</td>
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<tr>
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<td>6.45</td>
<td>120</td>
<td>2</td>
<td>5.60</td>
<td>2</td>
<td>5.60</td>
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</tbody>
</table>

**Total:**

|                | 1,045 | 1,105 |

- Operators per day 19
- Foreman 1
- Grade Checker 0
- Laborer 1

- Manpower per day: 22

- Commuter Travel time per day: 2

---

**SUMMARY:**

- Includes two workers per vehicle.
15% of the total VMT is designated to equipment travel/transition
(Equipment exempt to the 15% rule include water trucks & scrapers)

Peak conditions are based on the average production increase over the entire activity duration
Example: 50% of the activity duration will benefit a 5% production increase = 2.5% overall

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<th>Equipment</th>
<th>Average Production</th>
<th>Peak Production</th>
<th>Average plus %</th>
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<td>2 0.23 2.5</td>
<td>2 0.22 4.8</td>
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<tr>
<td>1 205 Loader</td>
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<td>2 0.24 5.0</td>
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<td>1 336 Excavator</td>
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<td>2 0.22 4.7</td>
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<td>1 336 Excavator</td>
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<td>2 0.22 4.7</td>
<td>2 0.21 4.7</td>
</tr>
<tr>
<td>1 4K Water Truck</td>
<td>1 0.75 8.5</td>
<td>2 0.75 12.5</td>
<td>2 0.75 12.5</td>
</tr>
<tr>
<td>1 4K Water Truck</td>
<td>1 0.65 6.5</td>
<td>2 0.65 10.5</td>
<td>2 0.65 10.5</td>
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</table>

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<thead>
<tr>
<th>Equipment</th>
<th>Average Production</th>
<th>Peak Production</th>
<th>Average plus %</th>
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</thead>
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<tr>
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<td>2 0.24 4.8</td>
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<tr>
<td>1 336 Excavator</td>
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<td>2 0.22 3.6</td>
<td>2 0.22 4.7</td>
</tr>
<tr>
<td>1 336 Excavator</td>
<td>1 0.21 3.6</td>
<td>2 0.21 3.6</td>
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<th>Average Production</th>
<th>Peak Production</th>
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<tr>
<td>1 336 Excavator</td>
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<td>2 0.24 2.6</td>
<td>2 0.24 4.8</td>
</tr>
<tr>
<td>1 336 Excavator</td>
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<td>2 0.23 2.5</td>
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<td>2 0.24 5.0</td>
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<td>1 336 Excavator</td>
<td>1 0.22 4.5</td>
<td>2 0.22 4.7</td>
<td>2 0.22 4.7</td>
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<tr>
<td>1 336 Excavator</td>
<td>1 0.21 4.5</td>
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<td>2 0.21 4.7</td>
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<tr>
<td>1 4K Water Truck</td>
<td>1 0.75 8.5</td>
<td>2 0.75 12.5</td>
<td>2 0.75 12.5</td>
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<td>1 4K Water Truck</td>
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<td>2 0.65 10.5</td>
<td>2 0.65 10.5</td>
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<table>
<thead>
<tr>
<th>Equipment</th>
<th>Average Production</th>
<th>Peak Production</th>
<th>Average plus %</th>
</tr>
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<tbody>
<tr>
<td>1 336 Excavator</td>
<td>1 0.23 2.5</td>
<td>2 0.24 2.6</td>
<td>2 0.24 4.8</td>
</tr>
<tr>
<td>1 336 Excavator</td>
<td>1 0.22 2.5</td>
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<td>2 0.24 5.0</td>
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<tr>
<td>1 336 Excavator</td>
<td>1 0.22 4.5</td>
<td>2 0.22 4.7</td>
<td>2 0.22 4.7</td>
</tr>
<tr>
<td>1 336 Excavator</td>
<td>1 0.21 4.5</td>
<td>2 0.21 4.7</td>
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<tr>
<td>1 4K Water Truck</td>
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<td>2 0.75 12.5</td>
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<tr>
<td>1 4K Water Truck</td>
<td>1 0.65 6.5</td>
<td>2 0.65 10.5</td>
<td>2 0.65 10.5</td>
</tr>
</tbody>
</table>
15% OF THE TOTAL VMT IS DESIGNATED TO EQUIPMENT TRAVEL / TRANSITION  
(EQUIPMENT EXCEPT FOR THE 10% RULE INCLUDE WATER TRUCKS & SPRAYERS)

Peak conditions are based on the average production increase over the entire activity duration
Example: 50% of the activity duration will benefit a 5% production increase = 2.5% overall

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<th>DRY UTILITIES</th>
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<th>Peak Production</th>
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<tr>
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<td>302 Excavator</td>
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<tr>
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<tr>
<td>2</td>
<td>90C Loader</td>
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<tr>
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<td>446 Excavator</td>
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<tr>
<td>2</td>
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<tr>
<td>2</td>
<td>6x6 Loader</td>
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<td>Hours</td>
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<td>2</td>
<td>140C Blade</td>
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<tr>
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<tr>
<td>2</td>
<td>222C Dumper</td>
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<tr>
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<td>36C Dumper</td>
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<tr>
<td>2</td>
<td>4x4 Water Truck</td>
<td>10</td>
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<tr>
<td>2</td>
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<td>4x4 Smooth Drum Rollers</td>
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<tr>
<td>Grader Operators</td>
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<tr>
<td>Laborers</td>
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<td>2</td>
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<td>10</td>
</tr>
<tr>
<td>2</td>
<td>4x4 Water Truck</td>
<td>10</td>
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<tr>
<th>OPERATIONS</th>
<th>Operators per Day</th>
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<tr>
<td>Laborers</td>
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<thead>
<tr>
<th>COMMUTER TRAVEL TIME</th>
<th>Commuter Travel Time per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes two workers per vehicle</td>
<td>2</td>
</tr>
</tbody>
</table>

| TOTAL | operators per day | 10 |
| TOTAL | operators per day | 10 |

**Equipment and horse power ratings taken from Caterpillar performance handbook editions and estimate.**
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<thead>
<tr>
<th>Horizontal Construction Crews Include:</th>
<th>Vertical Construction Crews Include:</th>
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<tbody>
<tr>
<td>Clear &amp; Grub</td>
<td>4 DU / ACRE</td>
</tr>
<tr>
<td>Mass Grading, High Production</td>
<td>6 DU / ACRE</td>
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<td>Mass Grading, Moderate Production</td>
<td>PA1 Freeway Oriented Hotel</td>
</tr>
<tr>
<td>Grading, Avg. Long Haul Production</td>
<td>PA3 Bungalow Hotel</td>
</tr>
<tr>
<td>Storm Drain</td>
<td>PA7 Conference Hotel</td>
</tr>
<tr>
<td>Sewer</td>
<td>Reclamation Facility</td>
</tr>
<tr>
<td>Water</td>
<td>PA5 Fire Station</td>
</tr>
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<td>Reclaimed Water</td>
<td>Equestrian Staging</td>
</tr>
<tr>
<td>Dry Utilities</td>
<td>Ranch Compound</td>
</tr>
<tr>
<td>Street Improvement</td>
<td>Commercial Building, General Retail</td>
</tr>
<tr>
<td>Landscape, Park &amp; Trails</td>
<td>Commercial Building, Office</td>
</tr>
<tr>
<td>Super Pad / Density</td>
<td>Commercial Building, Grocery / Special</td>
</tr>
</tbody>
</table>

| OffSite Trucking Travel Include:     | |
|--------------------------------------| |
| Clear & Grub                         | |
| Mass Grading, High, Mod, Low Production | |
| Storm Drain                          | |
| Sewer                                | |
| Water                                | |
| Reclaimed Water                      | |
| Dry Utilities                        | |
| Street Improvement                   | |
| Landscape, Park & Trails             | |

| 0 ACRE Lot                           | 1.5 ACRE Lot                         |
| 1.5 ACRE Lot                         | 2.5 ACRE Lot                         |

October 17, 2008
## County of Kern

### Chapter 7. Responses to Comments

**THE MOOKE GROUP**  
1616 Brookhollow Drive  
Santa Ana, CA 92705  
Fax: (714) 751-6522

**TEJON MOUNTAIN VILLAGE**  
VEHICLE MILEAGE TRAVELED (VMT)  
SUMMARY  
OFFSITE PAVED ROADS  
HORIZONTAL  
July 30, 2009

<table>
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<tr>
<th></th>
<th>Average Production</th>
<th>Peak Production</th>
<th>Average plus 5%</th>
<th>Peak Production</th>
<th>Average plus 5%</th>
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<tr>
<td><strong>CLEAR &amp; GRIND</strong></td>
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<tr>
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<td>2,088</td>
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</table>

| **GRADING** |                   |                |                 |                |                |
| 1 Delivery Truck | 4 | 30.0 | 120 | 1 | 43.8 | 153 |
| TOTAL | 120 | 153 |

| **SEWER** |                   |                |                 |                |                |
| 1 Concrete Delivery Truck | 4 | 30.0 | 240 | 2 | 42.0 | 336 |
| 2 Concrete Delivery Truck | 4 | 30.0 | 240 | 2 | 42.0 | 336 |
| TOTAL | 896 | 972 |

| **WATER** |                   |                |                 |                |                |
| 2 Delivery Truck | 4 | 30.0 | 240 | 2 | 42.0 | 336 |
| 1 Concrete Delivery Truck | 4 | 30.0 | 120 | 1 | 42.0 | 186 |
| TOTAL | 504 | 504 |

| **RECLAIMED WATER** |                   |                |                 |                |                |
| 2 Delivery Truck | 4 | 30.0 | 240 | 2 | 42.0 | 336 |
| 1 Concrete Delivery Truck | 4 | 30.0 | 120 | 1 | 42.0 | 186 |
| TOTAL | 504 | 504 |

| **DRY UTILITIES** |                   |                |                 |                |                |
| 2 Delivery Truck | 4 | 30.0 | 240 | 2 | 42.0 | 336 |
| 1 Concrete Delivery Truck | 4 | 30.0 | 120 | 1 | 42.0 | 186 |
| TOTAL | 504 | 504 |

| **STREET IMPROVEMENT** |                   |                |                 |                |                |
| 4 Delivery Truck | 4 | 30.0 | 480 | 1 | 41.0 | 104 |
| TOTAL | 480 | 104 |

| **LANDSCAPING, PARKS & TRAILS** |                   |                |                 |                |                |
| 3 Concrete Delivery Truck | 4 | 30.0 | 360 | 3 | 42.0 | 504 |
| 1 Concrete Delivery Truck | 4 | 30.0 | 120 | 1 | 42.0 | 136 |
| TOTAL | 460 | 872 |
### Summary

**County of Kern**

**Chapter 7. Responses to Comments**

**Tejon Mountain Village Specific and Community Plan**

- **TEJON MOUNTAIN VILLAGE**
- **AVERAGE VEHICLE MILEAGE TRAVELED (VMT)**
- **SUMMARY**
- **VERTICAL**

Peak conditions are assumed to be multiple crews working concurrently.

---

**Main Power Equipment Crew Estimated by The Mote Group**

<table>
<thead>
<tr>
<th>Category</th>
<th>4 DU / ACRE</th>
<th>Average Mileage</th>
<th>8 DU / ACRE</th>
<th>Average Mileage</th>
<th>PAR / Freeway</th>
<th>Average Mileage</th>
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**Total Mileage:**

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**Total Mileage:**

---

**Notes:**

- Peak conditions are assumed to be multiple crews working concurrently.

---

**Final Environmental Impact Report**

**Tejon Mountain Village Specific and Community Plan**

**August 2009**
### Chapter 7. Responses to Comments

#### Table 1:

<table>
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<th>PHASE 4</th>
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<td><strong>No. of Days/Months</strong></td>
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<td><strong>2</strong></td>
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<tr>
<td><strong>4</strong></td>
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</table>

**Summary:**
- **PAS**: Boutique Hotel
- **VMT**: Average Vehicle Mileage Traveled (VMT)
- **Equipment**: Estimated by The Moore Group
- **Peak Condition**: Considered to be multiple areas working concurrently.

### Table 2:

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<th><strong>EQUIPMENT</strong></th>
<th><strong>MILEAGE</strong></th>
<th><strong>EQUIPMENT</strong></th>
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<td><strong>No. of Days/Months</strong></td>
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</table>

**Summary:**
- **PAS**: Conference Hotel
- **VMT**: Average Vehicle Mileage Traveled (VMT)
- **Equipment**: Estimated by The Moore Group
- **Peak Condition**: Considered to be multiple areas working concurrently.

### Table 3:

<table>
<thead>
<tr>
<th><strong>EQUIPMENT</strong></th>
<th><strong>MILEAGE</strong></th>
<th><strong>EQUIPMENT</strong></th>
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</table>

**Summary:**
- **PAS**: Reclamation Facility
- **VMT**: Average Vehicle Mileage Traveled (VMT)
- **Equipment**: Estimated by The Moore Group
- **Peak Condition**: Considered to be multiple areas working concurrently.

---

**Page 3 of 7**

---

**Final Environmental Impact Report**

**County of Kern**

**Tejon Mountain Village Specific and Community Plan**

**August 2009**
### Phase 1

**Fire Station**

<table>
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<tr>
<th>Fire Station</th>
<th>Average Emissions</th>
<th>Fire Station</th>
<th>Average Emissions</th>
<th>Fire Station</th>
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**Phase 1 Summary**

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**Final Environmental Impact Report**

**Tejon Mountain Village Specific and Community Plan**

**County of Kern**

**Chapter 7. Responses to Comments**

**August 2009**
## Chapter 7. Responses to Comments

### Final Environmental Impact Report

#### Tejon Mountain Village Specific and Community Plan

**SUMMARY**

Final EIR is considered to be multiple years and varies accordingly.

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## Chapter 7. Responses to Comments

### Man-Power, Equipment Days Estimated by The Mote Group

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**SUMMARY**

- **TOTAL VMT**: 710
- **MANPWR per Day**: 13
- **Equipment Operator (man-hours)**: 26
- **Car Pool Analysis**
  - **Equipment Operator (man-hours)**: 10
  - **Manpower**: 10
  - **Total Commuter**: 10
  - **2 Workers per Vehicle**: 11.0
  - **Commute Time per day**: 30
  - **COMMUTE TIME per day**: 30

**FINAL SUMMARY**

- **TOTAL VMT**: 710
- **MANPWR per Day**: 13
- **Equipment Operator (man-hours)**: 26
- **Car Pool Analysis**
  - **Equipment Operator (man-hours)**: 10
  - **Manpower**: 10
  - **Total Commuter**: 10
  - **2 Workers per Vehicle**: 11.0
  - **Commute Time per day**: 30
  - **COMMUTE TIME per day**: 30
## Chapter 7. Responses to Comments

### Appendix C

#### Main-Power Equipment Crew Estimated by The Mokite Group

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**Grand Total:**

| Equipment / Foundation | 1 Day | 3 | 6 | 10 | 40 |

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**Grand Total:**

| Equipment / Foundation | 1 Day | 3 | 6 | 10 | 40 |

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**Grand Total:**

| Equipment / Foundation | 1 Day | 3 | 6 | 10 | 40 |

#### Summary

- **Total Manpower per Day:** 16
- **Total Manpower (hours):** 1,792
- **Total Car Pool (hours):** 1,792
- **Total Car Pool (hours):** 1,792
- **Grand Total Car Pool (hours):** 4,092
### Table: Man-Power, Equipment Crew Estimated by The Mootie Group

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### Notes
- VERTICAL (Vertical Lots)

Final Environmental Impact Report
Tejon Mountain Village Specific and Community Plan

County of Kern

Chapter 7. Responses to Comments

August 2009
Response 25 U9.

Commentor refers to the Project Objective of "permanently fund[ing] community maintenance and other project obligations from revenues generated within the new community" and questions whether this will occur and when. Please see the Response to Comment 25-P9 regarding the funding commitments of the Project.


Commentor states that the remaining jobs that would be attractive to the labor pool of 13% unemployed workers in Frazier Park will be low wage, service jobs. Project amenities such as golf courses, restaurants and the hotel would also include management and supervisory jobs. The Project will also provide jobs in specialized fields such as natural resource management, property management, Tejon Castac Water District water and wastewater plant operations, and Kern County Fire and Sheriff Departments. In summary, the Project will create a range of new employment opportunities, consistent with a resort, for the Mountain Communities.


Commentor states there is no guarantee how many businesses will locate to the Project at any point in time. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Businesses will locate within the Project based on market demand. According to the Project applicant, resort amenities such as one of the golf courses with its associated clubhouse and supporting hotel units would represent initial commercial priorities. The village mixed use center is located adjacent to Interstate 5 and some businesses will likely desire to locate at the center independent of the number of constructed homes due to existing traveler demand.


Commentor questions whether construction jobs will be given to local residents, and requests further mitigation. CEQA is an environmental review statute, and there is no environmental impact that would warrant this mitigation measure. Additionally, the Development Agreement for the project provides that general contractors for backbone infrastructure and merchant builders will be required to place an advertisement for construction jobs in a newspaper of general circulation within Kern County.


Commentor questions whether developer is guaranteeing to negotiate a Project Labor Agreement with the building trades, or agreeing to hire locally, or pay prevailing wages, or entering into agreements with unions that represent tourism and service industry workers. Commentor notes that these are desirable mitigation measures and should be required by the County. Commentor is correct that these are not part of the Draft EIR, as these are not mitigation measures to avoid or minimize adverse environmental impacts. Commentor's opinion that these be required mitigation measures is noted and forwarded to the Planning Commission and Board of Supervisors.

Please refer to the Response to Comment 25-Y9.

Response 25 A10.

Commentor questions whether Project residents would shop at Frazier Park, but believes that if the Project subsidizes a major chain grocery store it could adversely affect the Frazier Park market. The Project does not include a plan to subsidize a grocery store. Typically resort projects do create economic benefits for established surrounding communities. The project includes a village mixed use area that has commercial and retail services designed to meet the needs of future residents, guests and the travelling public, but it does not include a regional retail "big box" center or similar uses that would cause potential adverse environmental impacts to Frazier Park retailers.


Commentor requests an explanation as to how the Project is consistent with "smart growth" and wants long-term economic building blocks for local residents. As discussed in Response to Comment 24-J2, the project is a mountain resort designed as a vacation community. "Smart growth" is a concept for maintaining and managing growth within towns with full-time residents. "Smart growth" is also often linked to sustainable environmental practices, such as curbing green house gas emissions, constructing “green” or energy efficient buildings, expanding housing options and opportunities for people to experience the natural environment and building safe more livable communities. The Project Specific Plan includes a comprehensive Sustainability Plan so that Tejon Mountain Village is a sustainable resort community.


Commentor requests further evidence that at least 25% of the facility workforce is located within or near the project site, and also questions where the remaining 75% of workers will live. Commentor is referring to Mitigation Measure 4.15-8, which requires the project Developer to show that this condition, as well as other specified conditions, have been achieved prior to obtaining a certificate of occupancy for a hotel or another project component that would employ more than 100 workers. For example, the same mitigation measure also requires a demonstration that 25% of workers live within a 30-minute commute distance to the Project. This is a mitigation measure, not a description of the current setting. However, as discussed in the Section 4.15, POPULATION AND HOUSING, employee housing is generally available within the Project region (southern Kern County) including Bakersfield et al.


Response 25 E10.


Response 25 F10.

Commentor requests further specificity about how many jobs, over what time period, would be provided to residents of Lebec, Frazier Park, Lake of the Woods, and the Mountain Community areas. This level of specificity is not available based on current information, and will also likely shift over time. For
example, during robust economic periods demand for construction workers is higher and fewer workers may be available within the immediate vicinity of the Project; during recessionary periods more workers are available to take on local jobs. Similarly, the duration of construction jobs cannot be predicted. Different backbone infrastructure will be built in phases, over time, by different contractors; merchant builders, retail and hotel operators, and custom builders, will likewise commence at different times and last for different intervals. For EIR purposes, full Project buildout was assumed to occur over 20 years, which is likely an aggressive estimate and actual buildout may take longer. The effect of this aggressive estimate is to be conservative with respect to evaluating and mitigating environmental impacts for CEQA purposes.

Response 25 G10.

Commentor quotes the Draft EIR text regarding Project construction of approximately 33% of the residential units projected to be built within unincorporated Kern County and approximately 7% of the County as a whole. Commentor questions whether the Project will house 7% of County residents, and states that the Project is for vacationers. Commentor correctly quotes the percentage calculations in the EIR, which were used to evaluate the extent to which the residential units to be developed by the Project are within regional growth estimates for unincorporated Kern County. These regional growth estimates are linked to transportation and air quality planning, and are thus important tools in evaluating Project environmental impacts. These do not, however, represent a prediction or commitment of housing 7% of the County as a whole. The Commentor accurately notes that the Project is a mountain resort community, catering to vacationing residents and guests.


Please refer to the Response to Comment 25-G10.

Response 25 I10.

Commentor quotes a portion of the Draft EIR that notes that more Project employees will likely come from the Valley floor than the Mountain communities, and states that the benefits of the project "flow down the hill to where there is more and cheaper housing." Commentor accurately quotes the cited portions of the Draft EIR. Commentor's opinion as to the distribution of employment benefits provided by the Project is noted for the record and will be forwarded to the Planning Commissioners and Board of Supervisors.


Please refer to the Response to Comment 25-I10

Response 25 K10.

Commentor quotes from a section of the Draft EIR that states that the project, along with other proposed projects analyzed in the cumulative impacts section of the Draft EIR, will help meet a documented regional need for housing. Commentor requests clarification of the "document" that is the source of this conclusion. Section 4.15.3, POPULATION AND HOUSING, describes State laws requiring a regional housing needs assessment, and the Kern County General Plan Housing Element that implements these regional needs assessment. The California Department of Housing and Community Development transmitted the County's housing allocation for the period 2006 to 2013. See Draft EIR at 4.12-6.
Response 25 L10.

Please refer to the Response to Comment 25-K10.

Response 25 M10.

Commentor notes that there is a demand in the area for low income affordable housing, and disagrees that Project vacation homes will satisfy this need. Demand for low-income housing is also discussed in the Draft EIR. Draft EIR at 4.12-6. As a mountain resort community, the Project is designed to provide employment opportunities for area residents, as well as tax revenues and other economic benefits. The availability of affordable housing was addressed in Kern County's 2007 Regional Housing Needs Plan (RHNP), adopted by the Kern County Council of Governments in June 2007 to fulfill California's housing affordability requirements, and approved by the California Housing and Community Development Department in September 2007. (The RHNP was also discussed in Section 4.12, POPULATION AND HOUSING.) The Kern County General Plan Housing Element was then updated in 2008, consistent with the RHNP. As evaluated, there is existing and planned available housing at a cost within the range of the expected household incomes of future workers within the Valley Floor and Mountain Community areas near the Project. See Appendix Ka-1, Tejon Mountain Village Workforce Housing Analysis (Refer to Section 7.2, REVISIONS TO THE DRAFT EIR). Tax and other revenues created by the Project can be used to support development of affordable housing, which is not a proposed Project use.


Commentor requests that the developer be required to provide deed restricted low income housing to reduce commuting. As described in the Response to Comment 25-M10, above, approved plans confirm adequate low income housing (existing, planned, and projected) supplies will exist in the Project employment area. Mitigation Measure 4.15-8, discussed above, is designed to reduce commuting. Deed-restricted low income housing is not a proposed Project use, and is not required to mitigate any project impacts. Commentor's opinion is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.


This comment states that subsequent sections provide comments on Draft EIR Section 4.16 (water supply). Comment noted.


This comment suggests that “decisionmakers” must “look especially closely” at the TCWD urban water management plan (UWMP) adopted in 2005 and the water supply assessment (WSA) provided for the Project.

As discussed in more detail in Response to Comment 25-Q10, under the California Water Code and CEQA, Kern County, the CEQA lead agency for the proposed Project, must independently review and make the final determination regarding the analysis of Project water supplies in the Draft EIR. As discussed in more detail in Response to Comment R10 below, the 2005 UWMP was not utilized to prepare the WSA or in the CEQA analysis for the Project. The WSA complies with the requirements of Water Code Section 10910(c)(3), which pertains to the preparation of a WSA that does not rely on an existing UWMP. As a result, the 2005 UWMP is not relevant to CEQA review of the Project. The comment also suggests that there is a “conflict of interest” between TCWD and the Tejon Ranch Company. TCWD is a California water district formed under the provisions of the California Water
District Law (Water Code Sections 34000 et seq.). The District is subject to the California Political Reform Act (California Government Code Sections 81000 et seq.) and the regulations promulgated in conjunction with the Act. The Act and the regulations identify and provide for specific measures that address conflicts of interest that may arise in conjunction with the management of TCWD. If matters before the District’s Board of Directors create a conflict of interest as defined in the Act and its implementing regulations, the Directors have and will continue to comply with the Act’s requirements.

Response 25 Q10.

This comment suggests that, due to potential future County costs associated with providing water to the Project, the County should conduct an independent study of groundwater and other “available resources.”

As proposed, there are no future County costs associated with providing water to the Project. Under the applicable provisions of the California Water Code and the CEQA, the preparation of an EIR reflects the lead agency’s independent judgment regarding water supplies for a proposed project. The lead agency for the CEQA review of the proposed Project is Kern County. Water Code Section 10910 requires that the County request and receive from the Project’s “public water system” a WSA that conforms with the provisions of California Water Code Sections 10910 et seq. The applicable “public water system” for the Project under Water Code Section 10910(b) is TCWD. The Water Code and pertinent case law makes clear that the WSA is an advisory document that the County may, but is not required to, utilize in making its own independent assessment of the availability of the Project’s water supplies (see California Water Impact Network (CWIN) v. Newhall County Water District Case no. B197570 (California Court of Appeals, April 2008) (When “a lead agency requests a water supplier prepare and adopt a WSA for a particular project, the water supplier’s duty in so doing is defined and set forth in detail in Water Code sections 10910 and 10911. As described elsewhere, the water system provider most likely to supply the project must evaluate and prepare an assessment of whether the water supplies will meet the projected needs of the project, and if the water supplier determines that water supplies are not sufficient, the water supplier must describe its plans for acquiring additional water supplies ….[T]he WSA is…a technical, informational, advisory opinion of the water provider. Though the WSA is required by statute to include an assessment of certain statutorily identified water supply issues and is required to be included in the EIR, the WSA’s role in the EIR process is akin to that of other informational opinions provided by other entities concerning potential environmental impacts—such as traffic, population density or air quality….Once the WSA is approved by the water provider’s governing board the WSA is submitted to the lead agency. The lead agency may then evaluate the information included in the WSA. (Wat. Code, § 10911, subd. (c).) The power to ‘evaluate’ [the] WSA necessarily invests the lead agency with the authority to consider, assess and examine the quality of the information in the WSA and endows the lead agency with the right to pass judgment upon the WSA. While the lead agency must include the WSA in the EIR, the lead agency is not required to accept the WSA’s conclusions. The lead agency may in evaluating the WSA accept or disagree with the water provider’s analysis or may request additional information from the water provider [footnote omitted]. In any event, the lead agency is required by statute to make the ultimate determination, based on the entire record, whether water supplies are sufficient. (Wat. Code, § 10911, subd. (c).)” In accordance with CEQA and the Water Code, TCWD approved and provided the County with the WSA. The EIR conclusions regarding Project water supplies reflect the County’s independent judgment. With respect to the concern that the Project may have insufficient supplies and groundwater, DRAFT EIR Mitigation Measure 4.16- requires that TCWD maintain a reserve of 7-year indoor water demand in the District’s water banking facilities for use by the Project. This level of reserved water supply would provide for all of the Project’s indoor demand for the duration of the longest drought on record in Kern County and establishes an unprecedented level of water supply assurance for the Project. Finally, as discussed in more detail in Response to Comment 25-R10, the Project did not propose to use local groundwater. Under these circumstances, the analysis of
groundwater is not relevant to the Project’s WSA, DRAFT EIR analysis or other water supply related issues.

Response 25 R10.

This comment suggests that the Project’s “water framework” includes the WSA and the UWMP adopted by TCWD in 2005.

As discussed in Response to Comment 25-Q10, the County requested a WSA from TCWD as required by the Water Code and CEQA. On July 18, 2008, TCWD approved the WSA in accordance with Water Code Section 10910 (g) and the WSA was included as Appendix N-1 to the Draft EIR. The WSA was prepared in accordance with the requirements of Water Section 10910(c)(3), which sets forth the substantive elements that must be addressed in a WSA that does not rely on an UWMP (“If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.”) The WSA conforms with all of the requirements set forth in Section 10910(c)(3) and other applicable sections of the Water Code. Section 10910(c)(2) of the Water Code provides that a WSA “may,” but is not required to, rely on an UWMP. TCWD did not utilize the 2005 UWMP in preparing the WSA for several reasons:

(1) The Project EIR notice of preparation (NOP) was published in November 2005 at approximately the same time that the 2005 UWMP was prepared. Since that time members of the Mountain Communities near the Project expressed concerns about the Project’s potential use of local groundwater. The Mountain Communities near the project rely on groundwater and have no access to the State Water Project, Kern County water banks, or other water supplies available to TCWD and the Project. To address these concerns, the WSA does not rely on groundwater.

(2) Project water demands were reduced by eliminating two of the proposed four golf courses identified in the NOP and by implementing other water demand reduction measures. The WSA includes the updated Project water demand information.

(3) In 2007 (in draft form) and 2008 (in final form), the California Department of Water Resources (DWR) published an update to its biannual assessment of the reliability of State Water Project (SWP) deliveries (the “SWP reliability report”). To provide a conservative assessment, the WSA includes the most recent conservative potential SWP delivery outcomes identified in the current SWP reliability report, including the effects of endangered species and other lawsuits, potential climate change impacts, and future hydrological variability. The current SWP reliability report was not available at the time that the 2005 UWMP was adopted by TCWD but is included in the WSA.

As a result, the 205 UWMP was not utilized in the preparation of the WSA and is not relevant to the analysis of Project water supplies for CEQA purposes and under the Water Code.

Response 25 S10.

This comment suggests that the County should “not rely on” the TCWD UWMP to approve the proposed Project.
Comment noted. As discussed in Response to Comment 25-R10, the TCWD UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the DRAFT EIR.


This comment states that TCWD UWMP was not circulated to neighboring districts prior to adoption.

This comment is included as a bullet point in support of the statement discussed in Comment S10 to the effect that the County should “not rely on” the TCWD UWMP to approve the proposed Project. As noted Response to Comment 25-S10, and as discussed in Response to Comment 25-R10, the 2005 UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the DRAFT EIR. Therefore, any alleged deficiency in the preparation and adoption of the 2005 UWMP is irrelevant to the CEQA analysis of the Project. The WSA included in the DRAFT EIR was circulated to local water agencies and interested parties and approved by TCWD at a well-publicized public hearing. It should also be noted that Water Code Section 10641 provides that an UWMP preparer “may,” but is not required to, “consult with, and obtain comments from” other agencies or water districts. UWMP circulation to other districts is voluntary and not mandatory under the Water Code.

Response 25 U10.

This comment states that no groundwater management plan was prepared in conjunction with the TCWD UWMP.

This comment is included as a bullet point in support of the statement discussed in Comment 25-S10 to the effect that the County should “not rely on” the 2005 UWMP to approve the proposed Project. As noted Response to Comment 25-S10, and as discussed in Response to Comment R10, the 2005 UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the Draft EIR. Therefore, any alleged deficiency in the preparation and adoption of the UWMP or a groundwater management plan is irrelevant to the CEQA analysis of the Project. It should also be noted that Water Code Sections 10750 et seq., which codified AB 3030, governs the preparation of a groundwater management plan. Under the Water Code a groundwater management plan is a voluntary process and not required by law. DWR 2009. (“AB 3030 (California Water Code Section 10750 et seq.) allows certain defined existing local agencies to develop a groundwater management plan in groundwater basins defined in DWR Bulletin 118. No new level of government is formed. Action is voluntary not mandatory”). There is no requirement to prepare a groundwater management plan in conjunction with an UWMP, even if an UWMP utilizes groundwater. As discussed in Response to Comment 25-R10, the Project does not propose to use local groundwater and local groundwater use is not included in the WSA or the DRAFT EIR analysis of Project water supplies.

Response 25 V10.

This comment states that the TCWD UWMP “does not indicate any outreach to community members” in accordance with Water Code Section 10642.

This comment is included as a bullet point in support of the statement discussed in Comment 25-S10 to the effect that the County should “not rely on” the TCWD UWMP to approve the proposed Project. As noted Response to Comment 25-S10, and as discussed in Response to Comment 25-R10, the 2005 UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the Draft EIR. Therefore, any alleged deficiency in the preparation and adoption of the
UWMP is irrelevant to the CEQA analysis of the Project. The WSA included in the Draft EIR was circulated to local water agencies and interested parties and approved by TCWD at a well-publicized public hearing.

**Response 25 W10.**

This comment states that the UWMP is “now outdated” due to SWP system litigation and other water issues that occurred after adoption.

This comment is included as a bullet point in support of the statement discussed in Comment 25-S10 to the effect that the County should “not rely on” the TCWD UWMP to approve the proposed Project. As noted Response to Comment 25-S10, and as discussed in Response to Comment 25-R10, the 2005 UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the Draft EIR. It should also be noted that, as discussed in Response to Comment 25-R10, the desire to include more recent information subsequent to the 2005 adoption of the UWMP is one of the reasons why the Project WSA was prepared under Water Code Section 10910(c)(3) and did not utilize the 2005 UWMP. As a result, the possibility that the UWMP may contain outdated information is irrelevant to the CEQA analysis of the Project. The WSA included in the Draft EIR relied on the most recent reliability analyses of the SWP prepared by the California Department of Water Resources.

**Response 25 X10.**

This comment states that the 2005 UWMP does not include the most recent SWP reliability report prepared by the DWR.

This comment is included as a bullet point in support of the statement discussed in Comment 25-S10 to the effect that the County should “not rely on” the 2005 UWMP to approve the proposed Project. As noted Response to Comment 25-S10, and as discussed in Response to Comment 25-R10, the 2005 UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the Draft EIR. Consequently, the status of the DWR’s review of the 2005 UWMP is irrelevant to the CEQA analysis of the Project.

**Response 25 Y10.**

This comment states that the 2005 UWMP is not listed as “completed” by the DWR.

This comment is included as a bullet point in support of the statement discussed in Comment 25-S10 to the effect that the County should “not rely on” the TCWD UWMP to approve the proposed Project. As noted Response to Comment 25-S10, and as discussed in Response to Comment 25-R10, the TCWD UWMP was not utilized in the preparation of the WSA and was not relied on in the analysis of Project water supplies in the Draft EIR. Consequently, the status of the DWR’s review of the 2005 UWMP is irrelevant to the CEQA analysis of the Project.

This comment states that the Project should “not be approved” based on the 2005 UWMP and not until a 2010 UWMP is adopted by TCWD.

As discussed in Response to Comment 25-R10, the TCWD UWMP was not utilized in the preparation of the WSA and was therefore not relied on in the analysis of Project water supplies in the Draft EIR. As further noted in Response to Comment 25-R10, there is no requirement in the Water Code or under CEQA to base a WSA on an UWMP provided the WSA conforms with the requirements of Water Code Section 10910(c)(3). The Project WSA complies with all applicable Water Code requirements, including the provisions set forth in Section 10910(c)(3). Consequently, neither the 2005 UWMP, nor the adoption of a subsequent UWMP by TCWD is relevant to the CEQA analysis of the Project.

Response 25 A11.

The comment states that the Project will rely “entirely” on SWP water and excerpts a portion of the UWMP regarding TCWD’s allocation of SWP water.

The excerpt from the UWMP at 8 is accurately reproduced. As discussed in the WSA and Draft EIR, however, the Project does not exclusively rely on SWP water. Project water supplies consist of three sources: (1) tertiary-treated recycled water to be produced by the Project’s proposed wastewater treatment plant; (2) banked water from TCWD’s entitlements in the Kern Water Bank (KWB) and Pioneer project; and (3) SWP deliveries to TCWD, assuming average, dry and multiple dry year deliveries will occur at the lowest levels identified in the current SWP reliability report (see Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 though 14). The WSA and Draft EIR show that the TCWD can meet all District demands, including Project demands, while maintaining a reserve level of at least a 7-year indoor water demand for the Project in the water banking facilities, under normal, dry and multiple-year drought conditions utilizing these three water supply sources.

Response 25 B11.

The comment indicates that additional information regarding TCWD’s contracts for SWP water should be provided.

Comment noted. As stated in the WSA and Draft EIR, TCWD is a “member unit” of the Kern County Water Agency (KCWA). KCWA directly contracts for the delivery of SWP water in Kern County. KCWA’s SWP water is provided to each member unit through contracts that parallel the terms and provisions of the Agency’s contracts with the SWP. TCWD’s member unit contracts with KCWA are public records and may be obtained though KCWA.

Response 25 C11.

The comment indicates that additional information regarding TCWD’s contracts for SWP water should be provided and that the Draft EIR cannot be certified without such information.

As stated in the WSA and Draft EIR, TCWD is a “member unit” of KCWA. KCWA directly contracts for the delivery of SWP water in Kern County. KCWA’s SWP water is provided to each member unit through contracts that parallel the terms and provisions of the Agency’s contracts with the SWP. As discussed in the WSA, KCWA provided technical assistance in the preparation of the hydrological model used in the WSA and also reviewed the Draft EIR. In a letter to Kern County regarding the Draft EIR, KCWA stated that it had no comments on the WSA or the Draft EIR water supply analysis. The WSA
and Draft EIR accurately identify and analyze TCWD’s rights to SWP water as required by CEQA and the Water Code. As noted in Response to Comment 25-B11, the District’s member unit contracts with KCWA are public records and may be obtained through KCWA.

**Response 25 D11.**

This comment references a portion of the UWMP regarding TCWD’s total water entitlement.

The excerpt from the UWMP at 4 is accurately reproduced.

**Response 25 E11.**

The comment indicates that the UWMP improperly relies on TCWD’s “full” SWP entitlement.

As noted Response to Comment 25-S10, and as discussed in Response to Comment 25-R10, the UWMP was not utilized in the preparation of the WSA. Consequently, the analysis of TCWD’s supplies in the UWMP is irrelevant to the CEQA analysis of the Project. It should also be noted that the UWMP excerpt referenced in the comment relates to TCWD’s maximum potential available water resources. As shown in UWMP Table 2-1, the UWMP also identified the District’s “normal/sustainable annual yield,” which was substantially less than the maximum potential water resources. The “normal/sustainable annual yield” identified in the UWMP assumed that, in a typical year, TCWD would receive approximately 4,000 acre-feet of the District’s total allocation of 5,278 acre-feet (76% of the District’s allocation). As discussed in Response to Comment 25-R10, the UWMP analysis was not utilized in the WSA. The average year deliveries to TCWD utilized in the WSA reflect the most conservative levels identified in the current SWP reliability report, approximately 3,325 acre-feet per year, or just 63% of the District’s allocation. Consequently, the comment incorrectly states that the UWMP relied on a “full” SWP entitlement, the WSA did not use the UWMP analysis, and the WSA analysis incorporates the most conservative delivery levels identified in the current SWP reliability report and is more conservative than the analysis in the UWMP.

**Response 25 F11.**

The comment addresses SWP delivery variability as the result of rainfall levels.

The WSA and DRAFT EIR explicitly recognize and account for potential variability in rainfall as well as other potential SWP supply disruptions such as climate change or endangered species lawsuits. The WSA and Draft EIR incorporate the most conservative normal, dry and multiple dry year delivery levels identified in the current SWP reliability report (see Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 through 14) to account for supply variability that could be caused by such factors. The WSA and Draft EIR show that the TCWD can meet all District demands, including Project demands, and maintain a 7-year indoor water use supply for the Project in the District’s water banking facilities, even if the most conservative normal, dry and multiple-year drought period deliveries identified in the SWP reliability report in fact occur in the future.

**Response 25 G11.**

This comment concerns the accessibility of water stored by TCWD and whether such water, when recovered by TCWD, will meet criteria for use in the California Aqueduct.

As stated in the Draft EIR and WSA, TCWD has rights to store and retrieve water from the Kern Water Bank (KWB) and the adjacent Pioneer project. These banking projects are located south of Stockdale.
Highway, East of Buena Vista Road, north of Highway 119 and immediately west of the California Aqueduct, the primary north-south SWP conveyance facility. Water from the KWB and Pioneer project is regularly recovered from the water banks, transported by the Pioneer, Cross Valley and other local canals to the California Aqueduct, and conveyed through the Aqueduct to other locations. The KWB currently maintains a website at http://www.kwb.org which describes the accessibility of the water storage facilities to the Aqueduct, which was accessed and is the source of the attributed quotes in this Response. The KWB states that, “The Kern Water Bank operates by recharging water in recharge basins when it is plentiful, storing the water in an aquifer until needed, and then recovering the stored water with wells….The recharge basins and other water banking facilities occupy approximately 7,000 acres. The basins were designed as several systems, each being a chain of basins interconnected by canals that allow flexibility in delivery areas. Within each chain, the water flows from basin to basin through interbasin structures that control the water level in the preceding basin and the flow rate to the next basin in the chain. Basins at the end of a chain are used to accommodate fluctuating flows. Studies have shown that long term recharge rates of four inches per day can be maintained for several months. The stored water is recovered through approximately 80 water supply wells located throughout the Water Bank. These wells are part of a $38 million investment in conveyance and recovery facilities that include building a 6-mile long canal, constructing or rehabilitating over 45 wells, and placing over 17 miles of pipeline. The wells are drilled to depths ranging from 700 to 1,000 feet and will each produce 2,500 to 5,000 gallons of water per minute. The pipelines connect the wells to the Kern Water Bank Canal, California Aqueduct, and the Cross Valley Canal. The maximum recovery capacity is about 240,000 acre-feet per year.” KWB 2009. The water banking facilities described in the WSA and Draft EIR are directly connected with the California Aqueduct and water stored by TCWD is able to access the Aqueduct facilities. The KWB also provides information regarding water bank quality in relation to other SWP supplies carried by the Aqueduct and states that, “The quality of the water stored in the Kern Water Bank is excellent. For example, the concentration of total dissolved solids (TDS) in our well water averages about 220 mg/l. The TDS in the California Aqueduct averages 240 mg/l and can range up to 325 mg/l. The maximum contaminant level (MCL) for drinking water is 500 mg/l. The water in each of the wells is thoroughly and regularly tested in accordance with protocols developed by the California Department of Health Services. These are the same tests conducted on the public’s drinking water supply. In addition to testing each supply well, the Kern Water Bank regularly monitors groundwater conditions with a network of 57 dedicated monitoring wells. Water levels are measured at least semiannually, and the water is tested for the presence of several constituents annually. This monitoring will alert us to any detrimental changes in water quality. It should be noted that, with the exception of a few localized oilfield operations, there are no potential pollution sources on the Water Bank.” KWB 2009. As a result, water extracted from TCWD’s water banking facilities has been documented to meet or exceed the quality of water in the California Aqueduct. TCWD has sufficient water banking access to the Aqueduct and the District’s banked water meet applicable quality standards for conveyance in the aqueduct.

Response 25 H11.

This comment concerns TCWD’s ability to recover water from the water banks.

As noted in Response to Comment 25-G11, the KWB and Pioneer project banking facilities in which TCWD participates have sufficient access to the California Aqueduct to supply recovered water to the Project. The WSA and Draft EIR discuss TCWD’s participation in the KWB and the Pioneer project and the nature of the District’s rights to store and retrieve water from these storage projects (see, e.g., WSA Section 3.3). The WSA and Draft EIR include detailed analyses of how the District’s water banking and retrieval rights, under conservative assumptions can be conjunctively managed to meet all District demands, including Project demands, and maintain a 7-year indoor water use supply for the Project under normal, dry and multiple-year drought conditions. For example, the WSA and Draft EIR analysis assumes
that TCWD will be limited to a maximum of 24,000 acre feet of storage in the KWB and Pioneer project although the District currently has nearly 30,000 acre feet in storage at these facilities. The analysis demonstrates that TCWD’s banking rights are sufficient to meet Project demands under drought and other conditions as required by the Water Code and CEQA.

Response 25 I11.

This comments states that Article 21 water supplies in the UWMP are overstated.

As discussed in Response to Comment 25-R10, the UWMP was not utilized in the preparation of the WSA. As a result, the analysis of Article 21 water in the UWMP is not relevant to the analysis for the Project’s water supplies. To provide a conservative assessment, both the WSA and Draft EIR assume that no Article 21 water will be available to TCWD in the future even though it is possible that, in very wet years, such supplies may occur (see Draft EIR Table 4.16-3, the Draft EIR at 4.16-14, WSA at 22, and WSA Table 11).

Response 25 J11.

This comments states that the UWMP uses groundwater in the “single dry year” analysis and that a “groundwater management plan” must be completed due to such reliance on groundwater.

As discussed in Response to Comment 25-R10, the UWMP was not utilized in the preparation of the WSA. As a result, the UWMP analyses, including the single dry year analysis, are not relevant to the analysis of the Project’s water supply. No groundwater will be used by the Project and no groundwater supplies are included in the WSA or Draft EIR. The WSA and Draft EIR analyze TCWD’s ability to meet demand in normal, dry and multiple dry years using three supply sources: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water recovered from TCWD’s water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries, assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report (see Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 through 14). Mitigation measures in the Draft EIR further prohibit well use for golf course and other landscape irrigation purposes (see Draft EIR Section 4.8). As a result, the Project will not use or impact groundwater, and additional analysis of local groundwater supplies or the preparation of a groundwater management plan is not required or relevant under CEQA or the Water Code. It should also be noted that, as discussed in Response to Comment 25-U10, a groundwater management plan is a voluntary process under California law. Completion of a groundwater management plan would not have been mandatory even if local groundwater resources were used by the Project. DWR 2009. In addition, the Project’s potential surface water runoff and other drainage system impacts to groundwater are discussed in Draft EIR Section 4.8 and mitigated to less than significant levels.

Response 25 K11.

The comment excerpts Table 4-3 from the TCWD UWMP.

The excerpt accurately reproduces Table 4-3 (a single dry year analysis) from the UWMP. As noted in Responses to Comments 25-R10 and 25-J11, the UWMP was not utilized in the preparation of the WSA and Draft EIR and the UWMP analyses, including the single dry year analysis, are not relevant to the analysis of the Project’s water supply. The single dry year analysis utilized in the Draft EIR and the WSA is summarized in Draft EIR Table 4.16-5 and WSA Table 12. This analysis shows that TCWD’s recycled water, water banking and SWP deliveries at the most conservative single dry year level identified in the current SWP reliability report are sufficient to meet Project demands under drought and other conditions.
as required by the Water Code and CEQA. No groundwater is used in the WSA or Draft EIR analysis of Project supplies.

Response 25 L11.

The comment states that the subsequent comments pertain to the WSA as per the CWIN case.

Comment noted.

Response 25 M11.

This comment states that the Draft EIR and WSA solely rely on SWP water and contradict the UWMP.

As discussed in Response to Comment 25-R10, the Draft EIR and WSA do not rely on the UWMP. As a result, the UWMP is not relevant to the Project’s water supply analysis. As discussed in Response to Comments 25-R10, 25-A11 and 25-J11, the Project water supplies analyzed in the DRAFT EIR and WSA do not solely rely on the SWP and include: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water recovered from TCWD’s water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries, assuming average, dry and multiple dry year deliveries will occur at the lowest levels identified in the current SWP reliability report (see Draft EIR Tables 4.16-4 through 4.16-8 and WSA Tables 11 through 14). The WSA and Draft EIR show that the TCWD can meet all District demands, including Project demands, and maintain a 7-year indoor water use supply for the Project in the District’s water banking facilities utilizing these three sources of supply.

Response 25 N11.

This comment excerpts a statement from the Draft EIR that the Project will not use groundwater.

The comment accurately reproduces the excerpt from the Draft EIR at 4.16-14 but incorrectly states that the Project’s avoidance of groundwater was “based on Tables 12, 13 and 14” of the WSA. As discussed in Response to Comment R10, in response to concerns expressed by members of the Mountain Communities, the WSA and Draft EIR excludes all use of groundwater from the Project’s water supply. The Project overlies a significant portion of groundwater Basin 5-29, an aquifer designated by the DWR, and possesses senior overlying rights to extract water from Basin 5-29 for beneficial use within the Project area. The Project and other landowners overlying Basin 5-29 continue to retain these overlying rights. In response to community concerns regarding the local aquifers that serve the Mountain Communities, the Project has committed to not use these groundwater resources. The Draft EIR and WSA show that all Project demands can be met through the use of TCWD’s recycled, water bank and SWP supplies under conservative assumptions regarding the future availability of these supplies.


This comment suggests that the WSA and Draft EIR ignore UWMP scenarios that include groundwater use and that certain reports” are required to use groundwater.

As discussed in Response to Comment 25-R10, the Draft EIR and WSA do not rely on the UWMP. As a result, the UWMP is not relevant to the Project’s water supply analysis. Both the WSA and Draft EIR analyze the availability of water under normal, single dry and multiple dry year conditions as required by CEQA and the Water Code. As discussed in Response to Comment 25-R10, the WSA and Draft EIR exclude all use of groundwater by the Project to address community concerns about local supplies. These analyses also assume lower normal, dry and multiple dry year SWP deliveries to TCWD consistent with
the current SWP reliability report. Despite these conservative assumptions, the WSA and Draft EIR analysis demonstrates that TCWD can meet all of District water demands, and ensure that at least a seven-year indoor supply of water for the Project is maintained in the District’s water banks, under all of the normal, dry, and multiple dry year scenarios required by CEQA and the Water Code. No additional groundwater reports or plans are required or relevant to the analysis of Project water supplies because the Project does not use any groundwater. Comments 25-O11, 25-P11 and 25-Q11 cite to or include portions of Section 5.5.5 of the WSA which provides information regarding the Project’s decision to not use groundwater. This portion of the WSA references Water Code Section 10910(f), which identifies “additional information” that must be included in a WSA “if a water supply for a proposed project includes groundwater.” The provisions of Water Code Section 10910(f) are inapplicable to the Project because the Project’s water supply does not include groundwater.

**Response 25 P11.**

This comment excerpts a portion of Section 5.5.5 of the WSA.

The excerpt from Section 5.5.5 of the WSA is accurately reproduced. See Response to Comment 25-O11 for a discussion of the substantive issues raised in conjunction with the excerpt.

**Response 25 Q11.**

This comment excerpts a portion of Section 5.5.5 of the WSA.

The excerpt from Section 5.5.5 of the WSA is accurately reproduced. See Response to Comment 25-O11 for a discussion of the substantive issues raised in conjunction with the excerpt.

**Response 25 R11.**

This comment suggests that inconsistencies related to groundwater issues must be addressed before the EIR can be certified.

As discussed in Response to Comment 25-O11, the Project will not use groundwater. The WSA and Draft EIR demonstrate that TCWD supplies excluding groundwater are sufficient to meet all of the District’s demands, including the Project. As discussed in Response to Comment 25-R10, the Draft EIR and WSA do not rely on the UWMP and the UWMP is not relevant to the Project’s water supply analysis. The groundwater analyses required by Water Code Section 10910(f) and discussed in Section 5.5.5 of the WSA are inapplicable because the Project’s water supplies do not include groundwater. There are no inconsistencies or pending analytical issues related to groundwater that could affect certification of the Project EIR.

**Response 25 S11.**

This comment states that the Project supply “depends” on water purchased and stored in TCWD’s water banking facilities.

Comment noted. The WSA and Draft EIR state that TCWD’s rights to bank and retrieve water from the Kern Water Bank and the Pioneer project are one component of the Project’s water supply. At present, TCWD has approximately 30,000 acre feet of water in storage at these two facilities.
Response 25 T11.

The comment excerpts a portion of the WSA related to the assumption that no Article 21 water will be available to TCWD.

The excerpt accurately reproduces the applicable portion of the WSA at 11. It should be noted that the WSA also states in the text that occurs immediately before the excerpted language that, “TCWD has obtained Article 21 and other SWP supplemental water sources in previous years. It is possible that some or all of these supplies may become available in future years. Chapter 6 of the SWP Reliability Report, for example, predicts that Article 21 water will be available to SWP contractors in future years, although at reduced volumes than in the past.” WSA at 11. Consequently, the WSA and Draft EIR analysis is conservative because it is possible that, as indicated in the current SWP reliability report, Article 21 water may available to TCWD in the future.

Response 25 U11.

The comment requests additional information regarding the source of water bank recharge water if Article 21 water is assumed to not be available and the banks are depleted during dry years.

The WSA and Draft EIR conservatively assume that TCWD’s water banking supplies will only be recharged during relatively wet years when SWP deliveries exceed the District’s demands. As stated in Section 5.1.1 of the WSA and in the current SWP reliability report, annual variation in the amount of rain and snow that accumulates within the SWP watershed can significantly affect the volume of water available to SWP contractors and member units. The SWP reliability report models future SWP system hydrology variability by using historical rain, snow and other water system data over the 82-year period 1922-2003. DWR adjusts this data to reflect current development patterns and is incorporated into a quantitative statistical model, the most recent of which is called the “CalSim II” model. To incorporate the CalSim II model into the Project WSA and Draft EIR, TCWD requested and received technical support from KCWA, which conformed the model to reflect Kern County conditions over the 82-year period. The KCWA model was used to project TCWD water supplies over the 82-year period assuming, among other factors: (a) only 24,000 acre-feet of storage at the start of the analysis period (compared with TCWD’s current water banking levels of 30,000 acre-feet); (b) TCWD would be required to meet full build-out levels of Project and other District demands from the start of the analysis period even though full Project and other District demands will not be generated for several years; (c) recycled water use as indicated in the WSA; and (d) water bank recharge will occur only from SWP deliveries in wetter years, assuming that such deliveries occur at the lowest levels identified in the SWP reliability report. Despite these conservative assumptions, the analysis shows that TCWD is able to meet District demands, including the Project, in each year notwithstanding severe dry periods and droughts. Under the baseline analysis, which assumes 24,000 acre-feet in TCWD’s water banks at the start of the analysis, the District’s water banking reserves never fall below approximately 16,722 acre-feet. To provide an additional level of assurance regarding the District’s supplies, the model was also run assuming that: (a) TCWD’s supplies at the start of the analysis are depleted to lowest level identified in the baseline analysis (16,722 acre-feet); and (b) the worst drought period of record in Kern County, 1977-1981, would occur at the start of the analysis. Even under these assumptions, the analysis shows that TCWD is able to meet Project and other District demands over the 82-year analysis period, including a minimum banked water supply of approximately 9,667 acre-feet (see WSA Table 14 and Draft EIR Table 4.16-7). This analysis demonstrates that TCWD’s mix of recycled, water banking and SWP supplies (at the lowest delivery levels identified in the SWP reliability report) are sufficient to recharge water banks and meet all District demands during normal, dry and multiple year dry periods.
Response 25 V11.

Commentor states that outdoor water demand is substantially underestimated for the Project, and that water demand for landscaping in hot, dry climates averages 50% to 70% of water usage per dwelling unit based on an unspecified reference to the Metropolitan Water District website. Commentor does not specify the water demand figures that support the statement that water demand for landscaping in hot, dry climates is 50% to 70% of water usage per dwelling unit. The Metropolitan Water District outdoor water use ranges cited in Comment 25-V11 is generic in nature and cannot be addressed directly.

In contrast, outdoor water demand estimates performed for the Project were based upon detailed, site-specific demand factors based on a site-specific information, historic water use and a landscape irrigation model developed by University of California Cooperative Extension and California Department of Water Resources (UCCE DWR). The detailed water demand analysis is included in the Preliminary Water Use Estimates for the Tejon Mountain Village Project which was included as Appendix A to Draft EIR Appendix N-1.

To summarize, the Preliminary Water Use Estimates explains that the outdoor water demand analysis was based on the following information: (a) land use and landscaping information provided by the Project land use planning team; (b) vegetation-specific crop coefficients and irrigation efficiency information summarized by the UCCE DWR; (c) local evapotranspiration data provided by Hydropoint Data Systems; (d) local precipitation data from the Western Regional Climate Center, Station 044863; and (e) historical agricultural information for Tejon Ranch. Section 4 of the Preliminary Water Use Estimates report provides additional detail regarding the methodology used to determine the evaparotranspiration data, precipitation data, plant specific crop coefficients and irrigation efficiencies. Further, the Project land use planning team provided information for the Project including: (1) residential product type and unit count; (2) the square footage of turf, ornamental landscaping, pasture, and drought tolerant landscaping at each residential product type; (3) the landscaped acreage at the golf courses and other common areas; (4) the landscaping type and acreage for commercial development; and (5) the acreage of landscape screening. The resulting water demand factors were multiplied by the area of each corresponding non-agricultural land use. The water use for the landscape screening area was estimated based on the UCCE DWR model. The water use for the paddock and pasture components of the agricultural land uses within the Project were estimated based on information related to the current water use on the Tejon Ranch property. Finally, the total water demand estimate considered system loss from potential leaks in the distribution system. The use of these detailed, site-specific water demand factors ensures that water demand estimates for the Project are as accurate as possible.

Response 25 W11.

Commentor stated that there is no water demand indicated for open space buffer zone water requirements. This response assumes that the Commentor is referring to whether irrigation and water demands for the fuel modification zones identified in the Tejon Mountain Village Fire Protection Plan were included in the overall water demand estimates for the Project. Section 4.1.1.1 of the Fuel Modification Zone of the Tejon Mountain Village Fire Protection Plan (Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District), explains that fuel modification zones “include an irrigated zone closest to the structure, along with thinned zones that are progressively less heavily thinned the further from the structure.” Accordingly, only a portion of the open space buffers are irrigated. The Fire Protection Plan also explains that irrigated zones have been reduced while thinning zones have been extended in order to reduce the need for water in these zones. While the water demand estimates do not estimate water demand for the fuel modification zones as a separate, individual calculation, the Fire Protection Plan explains that the irrigation zones have been designed and will be implemented in strict
accord with the maximum applied water allowance (MAWA) for each lot. As further background, Mitigation Measure 4.16-2 requires the Project to implement Section IV of the Sustainability Plan (Appendix F of the Tejon Mountain Village Specific and Community Plan and Special Planning District). The Sustainability Plan requires each land use (i.e., commercial, residential, recreational) to be assigned a MAWA budget, establishing the maximum amount of water that the particular land use may use for both interior and exterior water demands. Accordingly, the individual MAWA for each land use type will include any water necessary for irrigating the irrigation zone closest to the structure. During the design review stage, several landscape design and efficient irrigation technology measures will be implemented to ensure that the MAWAs are not exceeded, as described in Section IV of Sustainability Plan. Draft EIR at Appendix F of the Tejon Mountain Village Specific and Community Plan and Special Planning District. In addition, the Tejon Castac Water District will require installation of water meters on each lot and will monitor water usage. TCWD can elect to penalize homeowners who use excess water either through fines or higher water rates (see California Water Code Section 35304(d) and 370 et seq.).

Response 25 X11.

Commentor notes that because no mitigation measures will enforce any particular type of drought tolerant landscaping, landscape water demand is underestimated and constitutes a significant failure to disclose a substantial and foreseeable impact in both the water supply assessment and the EIR. The Commentor is directed to Response to Comment 25-V11 which explains that water demand estimates performed for the Project are based upon detailed, site-specific evapotranspiration, effective precipitation, and vegetation-specific water use factors using published, commonly accepted models for estimating outdoor water uses. The use of detailed, site-specific water demand figures ensures that water demand estimates are accurate. Further, Response 25-W11 describes how Mitigation Measure 4.16-2 requires the Project to implement Section IV of the Sustainability Plan. Draft EIR Appendix F of the Tejon Mountain Village Specific and Community Plan and Special Planning District. The Sustainability Plan requires each land use (i.e., commercial, residential, recreational) to be assigned a MAWA budget, establishing the maximum amount of water that the particular land use may use for both interior and exterior water demands. Further, each development project will be required to identify how it will stay within the MAWA during the project design stage. Each developer, builder, or custom lot owner may choose from various water efficiency measures and techniques in order to meet this standard, incorporating the landscape design and conservation measures that are most practical for the particular development project. Water conservation features will include water-efficient plumbing and fixtures, use of plant materials contained in the Tejon Mountain Village Master Design Guidelines (included as Appendix B to the Tejon Mountain Village Specific and Community Plan and Special Planning District), compliance with turf and mulch, irrigation system, soil management, water features, and grading design standards as described in Section IV of the Sustainability Plan and Tejon Mountain Village Master Design Guidelines. Accordingly, the use of detailed, site-specific water demand factors along with the requirement that specific projects be designed so that exceed MAWAs are not exceeded, commits the Project to the estimated water demand to the extent feasible.

Further, Project implementation will be tracked through the implementation of the Mitigation Monitoring Plan (MMP), which is included as Appendix G of the Tejon Mountain Village Master Specific and Community Plan and Special Planning District. Pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a), when approving a project that contains mitigation measures, the lead agency must adopt a mitigation monitoring or reporting program. Mitigation monitoring and reporting is designed to implement one of CEQA’s fundamental purposes – to reduce significant effects when it is feasible to do so. Public Resources Code §§ 21002; 21002.1(a)-(b). Mitigation monitoring ensures that measures will actually be implemented. See e.g. Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261. The Project
MMP identifies, "Responsible Monitoring Agency," "Time Frame for Implementation," and "Steps to Compliance," for each mitigation measure, and provides columns for the County to sign and date when the various mitigation measures have been completed. See "Mitigation Monitoring Plan," Appendix G of the Tejon Mountain Village Specific and Community Plan and Special Planning District. The MMP is also available for public review.

The MMP requires implementation of the water demand-related requirements for the Project, including for example Mitigation Measure 4.16-1 (requiring implementation of a water-wise program that includes all feasible measures to reduce water use and will establish a Maximum Applied Water Allowance budget for each lot or home).

In addition, the Tejon Castac Water District will require installation of water meters on each lot and will monitor water usage. TCWD can elect to penalize homeowners who use excess water either through fines or higher water rates (see California Water Code Sections 35304(d) and 370 et seq.).

**Response 25 Y11.**

This comment states that existing vineyards were not included in the WSA. Table 3 of the WSA includes existing vineyards in the water demand calculations for the Project’s outdoor water use. Table 4.16-1 in the Draft EIR includes the same existing vineyards as identified in Table 3 of the WSA. The WSA and Draft EIR both include and analyze existing vineyards to the same extent.

**Response 25 Z11.**

This comment suggests that, although the WSA and Draft EIR demonstrate adequate supplies for a 20-year period, water availability thereafter may be a problem, and that the County “may not approve housing” where “as little as a 20-year supply appears to be available on an insurable basis.”

A 20-year water supply analysis is specifically mandated by Water Code Section 10910(c)(3) for CEQA purposes. There is no requirement in the Water Code or in CEQA that water supplies be “available on an insurable basis” for any time period or in any manner to certify an EIR. As discussed in Response to Comment 25-U11, the WSA and Draft EIR used the 82-year CalSim-II model as provided by KCWA to analyze water supplies for the Project under a series of conservative and assumptions. The analyses show that the District’s recycled, water banking and SWP deliveries (at the lowest delivery levels identified in the SWP reliability report) are sufficient to meet District demands, including the Project, and to maintain adequate banking reserves for Project use, over the analysis period. See Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 though 14. As a result, the WSA and Draft EIR indicate that Project water supplies are sufficient to meet demand over the analysis period mandated in the Water Code and by CEQA as well as in subsequent years.

**Response 25 A12.**

This comment suggests that the WSA and Draft EIR do not comply with certain elements of the recent Vineyard decision. *Vineyard (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412 (modified April 18, 2007)) was decided by the California Supreme Court in 2007. The case involved an EIR for a project in Rancho Cordova that included more than 22,000 residential units, approximately 60,000 people, several new schools and parks, and office and commercial uses on 480 acres of land. The “principal disputed issue” in the case was, “[H]ow firmly future water supplies for a proposed project must be identified or…what level of uncertainty regarding the availability of water supplies can be tolerated in an EIR for a land use plan.” In response, *Vineyard* identified four “principles for analytical adequacy under CEQA,” including: (1) “CEQA’s informational purposes are not
satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project;” (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years;” (3) “the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations (‘paper water’) are insufficient bases for decisionmaking under CEQA;” and (4) “where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.” The WSA and Draft EIR comply with each of these principles:

(1) The WSA and Draft EIR do not “ignore” or “assume” a water supply solution. Both documents clearly identify the nature and extent of water supplies that will be used by TCWD to meet Project and other District demands in accordance with Water Code and CEQA requirements.

(2) The WSA and Draft EIR do not limit the analysis to the first phases of the Project. Water supplies are analyzed from the under the assumption that the Project will require 100% of its full-build out water needs, and that TCWD will be required to provide 100% of all of the District’s future demands, in the first year of the analysis. As discussed in Response to Comment 25-U11, notwithstanding these conservative assumptions, the analysis shows that TCWD can meet all future requirements, including Project demand, over the 20-year period required by the Water Code and CEQA. The analysis also shows that, over the 82-year period of the model used in the analysis, TCWD will have sufficient supplies to meet all District demands.

(3) The WSA and Draft EIR do no rely on speculative or “paper water,” which generally refers to the assumption that 100% of a recipient’s SWP allocation will be available each year. In contrast, the WSA and Draft EIR assume that all SWP deliveries in normal, dry and multiple dry years will occur at the lowest, most conservative levels identified in the current SWP reliability report. Average year deliveries, are assumed to be range from 63% to 68% of TCWD’s full SWP contract levels, single dry year deliveries are assumed to range from 6% to 7% of contract levels, and multiple dry year deliveries are assumed to range from 7% to 56% of contract levels. See Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11-14. The WSA and Draft EIR also document TCWD’s existing level of water bank storage and analyze future water bank recharge rates under conservative water supply assumptions. Finally, the analysis includes the recycled water that will be produced by a dedicated wastewater treatment plant for Project use. None of these supply sources represent “paper water” or “speculative supplies” within the meaning of the Court’s Vineyard decision.

(4) A discussion of alternative water sources and the environmental consequences associated with using such sources is not required under the Vineyard decision because the analysis of TCWD’s supplies allows for a “confident” assessment that sufficient water will be available for the Project. Uncertainties that could affect the supplies identified in the WSA and Draft EIR, such as hydrological and rainfall variability, SWP pumping constraints due to endangered species litigation, or climate change that may affect future SWP water supplies are specifically addressed in the WSA and Draft EIR. See WSA Sections 5.1.1, 5.1.2 and 5.6, WSA Tables 1-14, Draft EIR pages 4.16-14 through 4.16-14, Draft EIR Tables 4.16-4 through 4.16-7. The SWP, KWB and Pioneer projects are currently permitted for the activities identified in the SWP and Draft EIR, and no permitting of these facilities and programs (apart from onsite Project infrastructure) is required by the Project. Although the analysis shows that water supplies are sufficient to meet Project demands, Section 5.5 of the WSA also considers a variety of alternative water sources, including local stream diversions, agricultural land retirement, rainwater harvesting, local groundwater, and other SWP water purchases. This discussion identifies environmental constraints and related issues associated each of these potential water supplies.
As a result, the WSA and Draft EIR addresses the analytical principles identified in the *Vineyard* decision and meets applicable legal standards for the analysis of Project water supplies under CEQA.

**Response 25 B12.**

This comment suggests that the Project is part of “one of the largest sprawl development projects in California’s history” and that cumulative impacts to local and SWP water supplies are not considered. The proposed Project is not related to any other project and is not a significantly large development in a comparative perspective. The development reviewed in the *Vineyard* decision (see Response to Comment 25-A12), for example, involved three times as many homes, substantially more recreational and commercial facilities, and approximately six times the population of the proposed Project. Similar developments that involve several times the size and water consumption of the proposed Project have been approved throughout California. The Project is not related to the proposed Frazier Park Estates development. As discussed in Response to Comment 25-R12, the Project will not utilize any groundwater, including groundwater used by Lebec and other Mountain Communities. As a result, the Project will not generate any cumulative impacts to groundwater. The Centennial project is also not related to the proposed Project. To the best knowledge of the applicant, water supplies that would serve Centennial have not been identified in a draft EIR or in an approved WSA. As discussed in the WSA, a portion of the Project’s water supply will be provided by TCWD’s existing SWP allocations under contracts with KCWA. The maximum amount of SWP water allocated to TCWD under these contracts is 5,278 acre-feet per year, or 0.0013 (0.13%) of total SWP allocations (as discussed in Response to Comment 25-E11, the WSA and Draft EIR assume that the actual deliveries of SWP water to TCWD will be significantly lower than the contract levels in normal, dry, and multiple dry years). No change or increase in TCWD’s existing contract allocations will be required to meet the District’s future demands, and the Project will not significantly increase or otherwise impact the SWP system.

**Response 25 C12.**

Commentor states that the lake was improperly "piecemealed" from the Project. Please refer to Global Response 7.5.1, Castac Lake, which addresses this and other lake issues.

**Response 25 D12.**

This comment states that the UWMP refers to Castac Lake as “storage.”

As discussed in Response to Comment 25-R10, the Draft EIR and WSA do not rely on the UWMP. Therefore, the UWMP is not relevant to the Project’s water supply analysis. The WSA and Draft EIR do not include any use of the lake water for Project purposes, including storage. As a result, an analysis of potential impacts related to using the lake as a storage supply is not relevant to the Draft EIR. The Project’s potential impacts to lake water quality and hydrology due to stormwater and other drainage flows are addressed in Draft EIR Section 4.8 and are mitigated to less than significant levels.

**Response 25 E12.**

This comment concerns an analysis of long-term and cumulative water supply under *Vineyard*.

As discussed in Response to Comment 25-A12, the Project water supply analysis complies with the *Vineyard* decision. As discussed in Response to Comment 25-R10, the project will not use any groundwater. As discussed in Response to Comment 25-B12, the Project will not cumulatively impact any water supplies, including local groundwater. No additional analysis is required to address the *Vineyard* water supply analysis principles.
Response 25 F12.

The comment excerpts a portion of the Draft EIR related to the annexation of portions of the Project area by TCWD.

The comment accurately summarizes the Draft EIR discussion of TCWD annexation at 4.16-10.

Response 25 G12.

This comment suggests that Local Agency Formation Commission (LAFCO) approval of TCWD’s annexation must include an updated WSA and cumulative analysis.

As stated in the Draft EIR, TCWD’s current service area includes a portion of the proposed Project area. The Draft EIR addresses potential LAFCO approval of TCWD’s annexation of the portions of the Project that are not currently within the District’s service area. Draft EIR Figure 4.16-1 graphically identifies the existing TCWD service area and the proposed expansion related to the Project. As discussed in Responses to Comments 25-R10, 25-G11, 25-U11 and 25-B12, the Project WSA and Draft EIR meet all Water Code, CEQA and other legal requirements and provide a conservative, current and complete analysis of pertinent impacts. Additional water supply analysis is not required by applicable LAFCO laws, rules and regulations or CEQA to approve the expansion of TCWD’s service area as discussed in the Draft EIR.


Commentor states that the water pipeline and treatment facility appear to be sited in biologically sensitive open space, and they could not find anywhere in the Draft EIR that addresses impacts to wildlife from these facilities. Commentor request identification of where the Draft EIR addresses this issue.

As described on page 3-1 of the Draft EIR, the overall Project Description includes up to 350,000 square feet of public facilities, including interim and permanent water treatment facilities and associated utilities. The impacts associated with these public facilities, which include water treatment facilities and associated utilities (including pipelines), are included in the overall development footprint and impacts assessment. See Draft EIR, Section 4.4.4, for a discussion of impacts to and mitigation for wildlife species in relationship to the overall development footprint.

The water supply pipeline and turnout on the portion of property owned by the DWR are likewise described in the Draft EIR, but in responses to Letter 4c from DWR, this information has also been included in the Project Description and other EIR sections. See generally, Responses to Comments to Letter 4c. The water treatment facility is located adjacent to the DWR-owned parcel, and is depicted on Figure 4.4-4 in Section 4.4, BIOLOGICAL RESOURCES. The water treatment facility location consists primarily of non-native vegetation. Impacts and mitigation measures associated with the construction of the pipeline on DWR-owned property, and on the development area more generally including the location of the water treatment facility, are included in the Draft EIR. The pipeline and treatment facility are not located in sensitive habitat areas under CEQA.

Response 25 I12.

Commentor expresses concern that all mitigation measures identified in the Draft EIR should be mandatory, suggesting that each mitigation measure contain the word "shall" to ensure that it will be implemented. Commentor is referred to Response to Comment 20-B regarding the Project's Mitigation Monitoring Plan, which will be adopted as Appendix G of the Tejon Mountain Village Specific and
Community Plan and Special Planning District. Pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a), the County must adopt a mitigation monitoring program to ensure that all mitigation measures are implemented. The Mitigation Monitoring Plan will provide greater assurances that all Project mitigation measures will be implemented than using the word "shall".

Response 25 J12.

Commentor asks how the County will ensure that future homeowners will retain conservation landscaping and water conservation features in the future, as required by the Project, including Mitigation Measure 4.16-2 (which identifies water conservation measures applicable to the Project, including landscaping requirements). Commentor is referred to Response to Comment 20-B regarding the Project's Mitigation Monitoring Plan, which will be adopted as Appendix G of the Tejon Mountain Village Specific and Community Plan and Special Planning District and will ensure that all Project mitigation measures are implemented. For example, the "Steps to Compliance" for Mitigation Measure 4.16-2 requires the Project to 1) implement Section IV of the Sustainability Plan (including those water conservation requirements); 2) provide evidence of implementation to Kern County Planning Department; and 3) incorporate those water conservation measure requirements into the CC&R's for residential developments. This will ensure that future homeowners will abide by these requirements.

Response 25 K12.

This comment concerns the “up-front” costs of the proposed water and wastewater treatment facilities.

Comment noted. The comment appears to assume that the proposed wastewater treatment plant and the proposed water treatment facility described in the Draft EIR comprise a single facility. The two facilities are separate and distinct. The wastewater treatment plant will at full build out, treat Project wastewater and generate approximately 800 acre-feet per year of tertiary-treated recycled water for irrigation use. The water treatment facility will chlorinate and provide other potable treatment for water delivered to the Project by TCWD.

Response 25 L12.

This comment suggests that the proposed water and wastewater treatment facilities must be completed or bonded prior to County development approvals.

As discussed in Response to Comment 25-K12, the Project includes a wastewater treatment plant and a potable water treatment facility. These facilities will be operational prior to the occupancy of the site and will be sized to accommodate demand at each phase of the development. As the Project is constructed over time, the facilities will be expanded as necessary to accommodate increased service requirements. This approach ensures that the facilities will provide the level of service required at all times during Project build-out in an economical manner. As a result, no bonding or other financial security is necessary to ensure that the wastewater and water treatment facilities required by the Project will be constructed and maintained in an appropriate manner.

Response 25 M12.

The comment concerns the use of “Rose Well” or lake water and treatment for such supplies.

The Project’s water supply analysis does not include any use of the Rose Station well located in the San Joaquin Valley or lake water in any manner, including as “storage.” The use of these supplies by TCWD
was considered in the 2005 UWMP. As discussed in Responses to Comments 25-R10 the Draft EIR and WSA do not rely on the UWMP, and the UWMP is not relevant to the Project’s water supply analysis. As discussed in Response to Comment 25-D12, the WSA and Draft EIR do not include any use of the lake water for Project purposes, including storage. As a result, no treatment facilities related to the use of lake water is required in the Draft EIR. The Rose Station well is discussed in WSA Section 3.2, which states that, “Rose Station well water is not connected to the California Aqueduct and cannot supply the Tejon Mountain Village service area. In 2008, TCWD designated the Rose Station well as an emergency source of supply for the TIC service area. Certain rehabilitation requirements were identified in a 2007 assessment of the well, and water extracted from the well must be treated before it can be supplied to the TIC service area.” Section 5.1.2 of the WSA further states that, “The WSA does not assume that any groundwater supplies are used by TCWD during the analysis period.” As stated in the WSA, the Rose Station well will not be used for Project purposes, and no analysis of treatment facilities related to Rose Station well water is required in the Draft EIR.

Response 25 N12.

This comment suggests that Project resident health and safety would be jeopardized if a water treatment facilities for Rose Station well and lake water are not immediately built.

As discussed in Response to Comment 25-M12, the Project will not use any lake or Rose Station well water. Consequently, there is no health issue associated with any use lake or Rose Station well water by the Project, and no treatment facilities are required to treat lake or Rose Station well water for Project use.


The comment states that the subsequent comments concern the Transportation and Traffic section of the Draft EIR, and notes the commentor's opinion that the County did not provide the commentor with adequate time to review the Draft EIR and relevant appendices. Please refer to Response to Comment 25-C and Response to Comment Letter 59. regarding the time provided to the public to review and comment upon the Draft EIR and appendices. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 25 P12.

Commentor describes potential future development in the area, and states that the combination of Centennial, Tejon Mountain Village, Gorman Post Ranch, and Frazier Park Estates, will add approximately 85,000 people to the Project area and result in a population increase of 1000%. The Draft EIR includes many potential or planned projects that were considered in the cumulative impacts analysis, including the three (plus the Project) identified by Commentor. The cumulative impacts methodology is described in Draft EIR Section 3.7. (See also, list of cumulative projects in Table 2-3, Pages 2-8 and 2-9, of the Revised TIS, Appendix M1). Cumulative population growth is identified as a significant unavoidable impact in the Project area, for which no feasible mitigation measures are available.

Response 25 Q12.

Commentor describes physical conditions in the general area, specifically noting highways, landslides and fault lines in relation to the utilization of I-5. The comment also identifies road closures, along with seismic slippage and broken pavement, on I-5. The commentor states that I-5 is not "stable" and that with the growth of Lancaster and Palmdale, I-5 will be used for job-related traffic. This is an introductory comment that does not raise any specific questions or concerns about the Project or Draft EIR. This
Response 25 R12.

Commentor makes quantitative and qualitative statements regarding traffic in the Tejon Pass. With respect to the comment that about 25% of the traffic on Tejon Pass consists of trucks, Commentor is correct; however, the statement that “the impact of a fully loaded truck on the road surface is about 1,000 times that of a passenger vehicle” is not supported by actual engineering practice. Truck traffic in relation to the structural needs of a road surface is measured by what is termed a “Traffic Index (TI).” The TI is a function of the number of vehicles and the percent of trucks and is a numerical value that ranges from 6.5 to 12.0. As an example, a daily volume of 50,000 vehicles has a TI of 10.0 with 2.5 percent trucks and a TI of 11.0 with 7.5 percent trucks (i.e., an increase of 2,500 trucks). The same increase in TI occurs with an increase from 25,000 to 75,000 vehicles (an increase of 50,000), which is approximately 20 times (not 1000 times) that of a passenger vehicle. The remainder of the comment is a qualitative statement regarding trucks making traffic dangerous on the climb to the Tejon Pass and the descent to the Grapevine. Commentor’s opinion with respect to the safety of the existing conditions on I-5 are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors. Generally, traffic safety has substantially improved in recent years, as measured for example by a 9.7% drop in vehicular fatalities between 2008 and 2007. NHTSA 2009a. Decreases occurred in every major category except motorcycles. For example, passenger car occupant fatalities dropped for the sixth year in a row, light truck occupant fatalities fell for the third straight year, and alcohol-impaired fatalities dropped by over 9% relative to 2007. California safety records are generally consistent with this national trend. With respect to Commentor's question regarding truck safety, for example, California fatalities involving a large truck declined by nearly 25%, from 415 in 2004 to 318 in 2008. Traffic safety also improved in Kern County, with a 26% reduction in fatalities involving trucks between 2007 and 2008. NHTSA 2008a, NHTSA 2008b, NHTSA 2009b. Reported fatal accidents involving trucks at Tejon Pass are also low, with the NHTSA noting no such occurrences for the three years ending in 2008. See NHTSAc 2008c.

Response 25 S12.

Commentor raises concerns about the pollution created by trucks travelling on I-5, including in the Project vicinity. Commentor also notes that the Tejon Industrial Complex (TIC) generates some of this truck traffic, and states that as a result of TIC and developments at the Ports of Los Angeles and Oakland, truck traffic in the Tejon Pass is increasing more rapidly than other types of traffic.

Commentor is correct that trucks travelling on I-5 result in emissions of criteria pollutants, as well as diesel particulate matter (DPM), which is a toxic air contaminant (TAC). The Draft EIR includes a thorough air quality analysis, which analyzes the Project's contribution to criteria pollutant emissions, as well as its potential to expose sensitive receptors to TACs. See Draft EIR, Impacts 4.3-2, 4.3-3, and 4.3-4. As explained in the Draft EIR, Mitigation Measure 4.3-15 requires a setback of 500 feet from I-5 for all sensitive land uses, as recommended by the California Air Resources Board. Thus, Project residents will not be exposed to dangerous levels of TACs resulting from truck traffic on I-5.

Commentor is correct that other projects in the region and throughout the state also generate truck traffic that is experienced on I-5 in the Project area. The comment is included in the record and will be provided to the Planning Commission and Board of Supervisors. Environmental impacts associated with other projects is beyond the scope of these Final EIR responses to the Draft EIR.
Response 25 T12.

Commentor expresses the opinion that transportation planning models underestimate trips, and “it is mostly of a consequence of the fact that the existing models are hugely underspecified and cannot deal with all the factors determining future traffic streams.” This statement is not supported by the large amount of research and development carried out on traffic forecasting procedures over the past 40 years. The models used by KernCOG and by Palmdale (the two used in the freeway analysis) represent state-of-the-practice with respect to such modeling procedures, and account for the primary factors involved in estimating future traffic volumes. Further information about the models used in the Draft EIR is provided in the Traffic Report, Appendix M1. Additionally, Mitigation Measure 4-15.1 and 4.15-3 require periodic monitoring of actual Project traffic conditions in relation to the model information used to predict Project traffic conditions, providing a further measure of assurance of adequate mitigation measure implementation as the Project is built out over time.

Response 25 U12.

Commentor states that growth in Kern County for 2008-2009 was less than half of what was predicted. Commentor also notes that gasoline prices have a dramatic effect on traffic intensity. The years 2008-2009 included a recessionary economy, and growth was lower than earlier predictions across numerous areas and sectors. These comments are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 25 V12.

Commentor describes the traffic impact evaluation and mitigation measure approach used in the Draft EIR, and notes that mitigation would not be needed if the Project was disapproved. Commentor also recommends disapproval. The Commentor accurately describes the general approach to evaluating and mitigating project impacts in the Draft EIR. Commentor's opposition to the project is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 25 W12.

Commentor discusses the concept of level of service (LOS), and suggests that truck traffic should be considered in determining the capacity values in the LOS calculations. The comment also states that LOS at peak hours is less appropriate to use in areas where 30% of the traffic and 50% of the roadway is taken up by large trucks. Trucks are considered in such calculations in the traffic analysis (see discussion on Page 3-9 of the Revised TIS and the accompanying Table 3-3 on Pages 3-10 and 3-11). Specifically, the Revised TIS included a freeway capacity analysis that was based on "specific characteristics for each segment, including gradient and proportion of heavy vehicles." Both gradient and heavy vehicle data was obtained from Caltrans and used in the analysis of each freeway segment. Individual segment capacity is dependent on these two variables, and the capacity value thereby reflect the gradient and heavy vehicle data. The 30 percent and 50 percent truck numbers given by the Commentor are not correct; the actual numbers can be found in the Revised TIS at Table 3-3, and average approximately 27 percent.

Response 25 X12.

Commentor criticizes the accuracy of the traffic models, and states that “they predict traffic with what is generally known as spurious precision, up to the single trip.” The traffic input projections for Project evaluation purposes include trip numbers for each category of Project land use, based on established methodologies from the Institute of Transportation Engineers (ITE) Trip Generation Manual (8th Edition). (Revised TIS, Chapter 2.0, p. 2-1, and as applied to the Project summarized in Table 2.2 of the
Revised TIS, p. 2-3.) These Project-related trip input models then carry forward into the "metric" used for traffic evaluations more generally. Traffic models are actually stochastic models with statistical variation determined from a model validation process. This variation is high (i.e., the accuracy is low) for a single trip, and the variation becomes lower (i.e., the accuracy is higher) as larger numbers of trips are forecast and assessed.

Response 25 Y12.

This comment states that traffic models operate with "spurious precision" in calculating single trip levels. Commentor is directed to Response to Comment 25-X12 regarding the reliability and uncertainty of traffic models, and about the use of subsequent studies based on actual conditions to address the stability of such analyses.

Response 25 Z12.

This comment suggests that the models “do not provide information about the reliability, stability, or uncertainty of their predictions.” Please see Responses to Comments 25-X12. The remainder of the comment regarding Project trips on I-5 compares Project trips on I-5 to existing traffic, and states that the Project would result in a 50% increase to Annual Average Daily Traffic. The Project buildout analysis uses 2030 as a forecast year and traffic volumes for that year are estimated to be as follows (see Table 5-5 on Page 5-18 from the Traffic Analysis, Appendix M1):

<table>
<thead>
<tr>
<th></th>
<th>Without Project</th>
<th>With Project</th>
<th>Project %</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-5 North of Project</td>
<td>150,000</td>
<td>159,000</td>
<td>6%</td>
</tr>
<tr>
<td>I-5 South of Project</td>
<td>137,000</td>
<td>161,000</td>
<td>15%</td>
</tr>
</tbody>
</table>


This comment discusses growth in truck and automobile traffic on I-5, a 1000% growth rate projection for the region, and Commentor's projections for traffic levels at various locations and times. Commentor cites to but does not identify studies by the UCLA Center for Environmental Statistics as a source for projected increases in traffic generally and truck trips more specifically. The estimated growth based on the demographic data projections used in the traffic models (see Table 2-2, Pages 2-11 – 2-13 in the Revised TIS, Appendix M1) is as follows for the Kern-LA County line:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>2030</th>
<th>Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>82,00</td>
<td>147,00</td>
<td>79%</td>
</tr>
</tbody>
</table>
Hence the projected increase in daily traffic is 79 percent. The existing percent of trucks (27 percent) is assumed for the future. The projected population growth in the area between SR-138 and SR-99 accounts for only a portion of the growth in traffic in this regional corridor. Hence, the population growth cited in the comment is not the sole determinant of the growth in traffic, but only is a component of the overall growth.


This comment gives a hypothetical scenario, which Commentator believes will occur if all planned projects are developed, of 350,000 car trips in the Tejon Pass. See the tabular information in Response to Comment 25-A13 above for the actual forecast of 147,000 at the Kern-LA County line as of 2030.


Commentator states that, if 100,000 trucks travel through the Tejon Pass in 2035, they would generate approximately 2,800 pounds of VOC; 340,000 pounds of NOx; and 80,000 pounds of CO per day. Commentator notes, however, that these projections are not realistic.

Please refer to the Responses to Comments 25-A13 and 25-B13 above, regarding traffic projections in the region. Commentator is correct that the trip and associated criteria pollutant projections are unrealistic. The Draft EIR includes an analysis of the cumulative impacts of the Project. Draft EIR, Impact 4.3-7. This analysis reflects the emissions of criteria pollutants that can be expected to result from the proposed Project in combination with other proposed and approved development within 1-mile and 6-miles of the Project. See Draft EIR at 4.3-158. This analysis reflects reasonably foreseeable impacts from these developments, including the emissions resulting from motor vehicle use.


Commentator states that approval of the Project is a first major step toward increasing traffic to unacceptable levels, and recommends against Project approval. Commentator's opinion is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.


Commentator states that the standard solution to traffic problems is the construction of additional roadway capacity, and describes a North Los Angeles County Traffic Plan which expands Route 136 and I-5. The North Los Angeles County Traffic Plan includes improvements to I-5, SR-138, and SR-14. The comment refers to “North County Combined Highway Corridors Study, SR-14, SR-138, and I-5 Final Report,” Los Angeles County Metropolitan Transportation Authority, June 2004, which is included as a reference to the Revised TIS. The study identifies traffic improvements for the I-5, SR-138, and SR-14 highways through the addition of new High Occupancy Vehicle (HOV) lanes, new dedicated truck lanes, as well as increased Metrolink commuter rail and express bus services. The recommendations contained in the report are categorized as both Short-Term and Long-Term Strategies, and are subject to further studies prior to becoming programmed improvements.


Commentator states that the State is bankrupt and cannot properly maintain existing roadways. Commentator's opinion is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Commentor states that having an extra truck lane will stimulate further build-out of the commercial and industrial facilities in the Frazier Park area and on the Valley Floor, and will seriously aggravate pollution problems. Commentor's opinion regarding the effect of a truck lane is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors. Anticipated regional growth was included in the Cumulative Impacts analysis of both Section 4.15, TRANSPORTATION AND TRAFFIC, and Section 4.3, AIR QUALITY AND CLIMATE CHANGE.


Commentor expresses an opinion that on-site and near-project mitigation is irrelevant because the cumulative traffic impacts along I-5 are not sustainable. Commentor further notes that traffic and air quality impacts of such cumulative growth are too extensive and will adversely affect the health of local residents. Anticipated regional growth was included in the Cumulative Impacts analysis of both Section 4.15, TRANSPORTATION AND TRAFFIC, and Section 4.3, AIR QUALITY AND CLIMATE CHANGE. Commentor's opinion regarding cumulative traffic is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.
July 13, 2009

Craig M. Murphy, Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Sent via electronic mail to murphyc@co.kern.ca.us and hard copy via USPS

RE: Tejon Mountain Village Environmental Impact Report

Dear Mr. Murphy:

Defenders of Wildlife (Defenders) is pleased to submit these comments on the Tejon Mountain Village (TMV) Specific and Community Plan Draft Environmental Impact Report (DEIR). Defenders has reviewed the DEIR and submits the following timely comments to express our views and to detail our concerns related to the future development on Tejon Ranch (Ranch).

Defenders of Wildlife is a non-profit, conservation organization with over one million members and supporters nationwide, more than 200,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, Defenders employs science, public education, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to impede the accelerating rate of extinction of species, loss of biological diversity, and habitat alteration and destruction.

Defenders has serious concerns about the TMV project as proposed. The TMV development has a high potential to fragment wildlife habitat, causing loss of landscape connectivity and decreased wildlife movement in a highly important region connecting multiple diverse bioregions of the state, including the Mojave Desert, southern Sierra Nevada, Coastal Ranges, Transverse Ranges, and San Joaquin Valley. We believe that the cumulative impacts from multiple projects in the "Mountain Communities" area, including Centennial, San Emidio New Town, Martin Brothers' development and Frazier Park Estates and many others, were not adequately discussed in the DEIR.

There is a possibility of negative impacts to wildlife and habitat from pesticides and toxic chemicals used around residences and on the two proposed golf courses. Increased light pollution and noise could have adverse impacts on wildlife populations that have evolved in a relatively intact and pristine landscape. Loss of oak woodland, riparian and stream habitat are also of concern. In addition to these serious issues, our primary concerns are laid out in more detail below.

**As proposed, Tejon Mountain Village is not consistent with California condor recovery**

Portions of Tejon Ranch have been and will continue to be important to the survival and recovery of the highly endangered California condor, as evidenced by its designation as critical habitat for the species in 1976. Even minor developments may have major impacts to the condor. Condors are inquisitive animals, drawn to activity areas such as dispersed housing and recreation sites. When a
condor has been behaviorally compromised through interactions with people or manmade structures, the condor may teach inappropriate behavior to other condors through example and further perpetuate management problems, reducing the viability of condors in the wild and undermining the long-term and multi-million dollar recovery effort undertaken for the species. Allowing development on Tejon Ranch may seriously diminish the value of the Ranch's condor critical habitat unit to the long-term conservation of the species.

The proposed Tejon Mountain Village project cuts through the heart of historic and contemporary habitat for California condors. The TMV Specific Plan Area covers more than 26,000 acres and would include “3,450 residences; up to 160,000 square feet of commercial development; hotel, spa, and resort facilities, which include up to 750 lodging units; and up to 350,000 square feet of facilities in support of two 18 hole golf courses, riding and hiking trails, equestrian facilities, two helipads, fire stations, private community centers, electrical sub-station facilities, permanent and interim water treatment and wastewater treatment facilities and access and utilities to serve the project” DEIR at 1.11. Development of this magnitude will negatively impact natural condor behavior and will constitute take under the federal Endangered Species Act.

The DEIR at 4.4.94 specifically notes that “potential long-term impacts to California condors relate to permanent development” including “microtrash and human disturbance risks, collisions or electrocutions with power lines and transmission towers, habituation, and loss of foraging habitat.” Mitigation Measure 4.4-3 mentions a number of informational items that will be included in an education curriculum, including “all other potential direct interactions of the species.” These other potential direct interactions should be specifically stated in the final environmental document, as should the specific measures to eliminate microtrash ingestion. It is also unclear how these measures will be enforced.

Mitigation Measure 4.4-4 (a) discusses the creation and dissemination of a condor educational curriculum, but does not disclose to what entity or entities this information would be sent or what requirements would be included for its use.

Mitigation Measure 4.4-4 (b) regarding microtrash elimination activities should include definitions for “routine” and “regular” so that a specific frequency is explicitly detailed as to how often and to what extent these activities will take place.

Mitigation Measure 4.4-5 (b) states that “[b]ecause of the potential for raptors, including the California condor, to collide with wind turbines, no wind farms or wind turbines shall be constructed anywhere on Tejon Mountain Village (and Tejon Ranch Company agrees to expand the ban to all Ranch lands).” However, the following sentences include a contradictory statement declaring that “individual wind turbines, which have the primary purpose to serve electrical generation needs on site, may be constructed if, after review and approval by the U.S. Fish and Wildlife Service, such turbines are of a design and in a location that would not pose a threat to condors.” DEIR at 1.48-49. Due to the acknowledged potential for collisions with turbines by raptors including but not limited to condors, and not being aware of any design that would assuredly not pose a threat to raptors, Defenders believes that no new wind turbines should be constructed within TMV or on Ranch lands.

Defenders believes that all condor foraging habitat and flyover areas within the project area should be preserved, not just “the most important condor foraging habitat” or “high-value condor foraging and flyover areas” as stated in the DEIR at 4.4-93. The California condor remains a highly

...an endangered species, which has been the focus of a multi-decade, multi-million dollar recovery effort. The greatest possible effort should be expended to protect all areas of utilization and importance to the species.

Further, the proposed mitigation for the effects of urbanization on condors of this key portion of the species' critical habitat is the establishment of feeding stations outside the project area. This has been known to adversely affect natural foraging behavior and increase the likelihood of human habituation and micromass ingestion, which is inconsistent with recovery of the species. The two feeding sites mentioned in Mitigation Measure 4.1-6 (a)(6) may have the potential to increase condor foraging movements and increasing the likelihood of human habituation.

If any doubt remains about the importance of Tejon Ranch to the successful recovery of the California condor, one may want to consider the following selection of sample statements from the U.S. Fish and Wildlife Service and the California Department of Fish and Game:

It is the opinion of the recovery team that the condor's survival would be severely jeopardized by any major change in the use and/or management of the core portion of the Tejon Ranch (U.S. Fish and Wildlife Service 1979).

The condor will not survive without Tejon (in litt., U.S. Fish and Wildlife Service, November 10, 1971).

...the ranch is one of the most important links in the preservation of this endangered species (in litt., California Department of Fish and Game, May 21, 1979).

The future of the California condor could hinge on maintaining the Tejon Ranch habitat (U.S. Fish and Wildlife Service 1972).

It would be disastrous to have any major new developments very far inside the red line [central portion of the Tehachapi Mountains] (in litt., U.S. Fish and Wildlife Service, June 7, 1979).

I am mainly concerned about permanent or long term disturbances, or major changes in the level of human activities. Homesteads or ongoing mining activities, for example, I feel would be incompatible with proper condor management (in litt., U.S. Fish and Wildlife Service, June 7, 1979).

**Take of several “Covered Species” is not allowable by law**

The DEIR is designed to allow non-lethal take of golden and southern bald eagles. However, both species are protected under the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act is a strict liability statute with no provision for take. Defenders believes the take provision proposed herein is currently illegal, and new rules governing take provisions within the Eagle Act must be promulgated by the U.S. Fish and Wildlife Service before implementation of any development on Tejon Ranch.

In the section describing impacts to golden and bald eagles, it states that the “project would not cause injury or death of any golden [or bald] eagle.” However, the definition for “take” under the Eagle Act means to pursue, shoot, shoot at, poison, capture, trap, collect, molest or disturb, in addition to wounding or killing. Breeding golden eagles are known to be quite sensitive to human...

There is a lengthy list of potential impacts to bald and golden eagles including impairment of water quality, lighting effects, cattle-related impacts such as overgrazing, congregating in, trampling of and otherwise degrading primary breeding, foraging and wetland habitats, Ranch operations related to maintenance of roads, utility maintenance, film production; and human presence and associated passive and active recreation. These activities are likely to disturb bald and golden eagles and constitute take under the Eagle Act. Avoidance of injury or lethal take is not sufficiently adequate and all take of bald or golden eagles, including activities that would disturb natural behavior by these species, must be avoided and must not occur.

Furthermore, six of the specialist-status species considered in the Impact 4.4-1 Analysis (California condor, American peregrine falcon, golden eagle, ringtail, southern bald eagle, and white-tailed kite) are “Fully Protected” under California state law. The classification of Fully Protected was California's initial effort in the 1960's to identify and provide additional protection to animals that were rare or faced possible extinction. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collection for scientific research or relocation of bird species for the protection of livestock. Since the proposed development does not fall under either of the exempted activities, take for all Fully Protected species must be avoided and must not occur.

No take should be allowed for any amphibians within the project

Amphibians are declining worldwide from a variety of factors including pollution, climate change, disease, and introduction of non-native species. However, habitat loss and fragmentation are among the largest threats to amphibian populations (Cushman). A recent assessment of the status of global amphibian populations identified habitat loss as the single greatest identifiable factor contributing to amphibian declines (Stuart et al., 2004). Considering the current crisis amphibians are facing worldwide, Defenders believes that take for all amphibians related to development on Tejon Ranch should be avoided and must not occur.

Moreover, the FWS recently found the Tehachapi slender salamander to be warranted for protection under the ESA (FR Doc. E9-9220, Filed 4-21-09). The best available scientific information shows that the species has declined due to habitat loss and degradation and faces ongoing threats to its continued existence. The Tehachapi slender salamander is extremely narrowly distributed and is known to occur only in two small areas in south-central Kern County, California. The species has already become extirpated from the Tehachapi Pass area, likely as a result of highway construction, and the remaining populations in the Tehachapi Mountains are primarily on private lands, including the Tejon Ranch, which is succumbing to human development. Indeed, rapid human population growth within the region is reported to be a significant threat to the species. Hansen and Wake (2005) state:

> Plans exist for the development of several new communities on the vast Tejon Ranch property. Owing to the small size and localized nature of Tehachapi slender salamander population, the Tejon Ranch sites appear especially vulnerable to habitat disturbance. (p. 693)

Petition to List at 2-3.

Mitigation Measure 4.4-33 describes pre-construction survey discusses visual and pitfall trapping techniques. Like many other salamander species, the Tehachapi slender salamander remains sub-
surface during periods of freezing temperatures and summer heat. Therefore conducting only visual
surveys could likely be insufficient for locating and identifying occupied Tehachapi slender
salamander habitat. Furthermore, because of this species' incredibly restricted range, 100% (not the
indicated 84%) of its suitable habitat should be left unaltered and not be included in any disturbance
zone.

Construction activities when coupled with other Ranch activities such as cattle grazing, film
production, culvert, drainage and utility maintenance, and human presence constitute potentially
significant cumulative impacts that could result in habitat degradation and possible mortality of the
Tehachapi slender salamander. All modeled suitable habitat, which has the potential of supporting
up to 216 individual salamanders, must be avoided and take for the species should not be allowed to
occur.

Conclusion

Thank you for the opportunity to provide input for consideration in the preparation of the final
Tejon Mountain Village Specific and Community Plan Draft Environmental Impact Report. Should
you have any questions, I can be reached at (916) 313-5800 x105 or via email at
pfllick@defenders.org.

Sincerely,

Pamela Flick
California Program Coordinator
Comment Letter 26. Defenders of Wildlife (July 13, 2009)

Response 26 A.

Thank you for your comment. Defenders of Wildlife (Defenders) states that it has reviewed the Tejon Mountain Village Draft EIR and submits the following comments to express its views and detail its concerns. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 26 B.

Commentor states it is a non-profit conservation organization, and provides information regarding its membership and mission. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 26 C.

The Defenders of Wildlife comments indicate that they have “serious concerns” about the Project as proposed. They comment that the proposed Project has a high potential to fragment wildlife habitat, causing a loss of landscape connectivity and decreased wildlife movement in a highly important region connecting multiple diverse bioregions of the state, including the Mojave Desert, southern Sierra Nevada, Coastal Ranges, Transverse Ranges, and San Joaquin Valley.

The Draft EIR provides an extensive analysis of habitat linkages and wildlife corridors in the proposed Project region (see Impact 4.4-4 on pages 4.4-424 to 4.4-442). This impact analysis includes: (1) a description of existing wildlife movement patterns based on a camera study, including potential barriers to movement such as Interstate 5; (2) on-site wildlife habitat use in relation to frequent Interstate 5 crossing points; (3) the potential impacts of the Project on the movement of existing native resident and migratory species through the Project landscape based on comparable wildlife movement studies; and (4) the potential impacts of the Project on wildlife movement based on theoretical computer models. Based on this analysis, the Draft EIR determined that the Project would have a less-than-significant effect on native resident and migratory wildlife movement and therefore would not destroy crucial linkages to other preserved lands, eliminate wildlife corridors, or fragment the watershed.

Existing wildlife movement across Interstate 5 was studied using motion-sensitive cameras positioned at several potential wildlife crossing points, including culverts, an underpass, and an overpass (see Draft EIR Figure 4.4-15). Generally, the number of wildlife photographed at the northern crossing points was greater than the number photographed at southern crossing points, with the Grapevine Camera Group accounting for approximately 65% of all terrestrial species photographed in the study. Overall, the photographic data indicate that large mammal activity (mule deer, bobcat, and coyote) was concentrated at the Northern Castac Lake Camera Group and the Southern Grapevine Group (see Draft EIR Table 4.4-161). In particular, the data for bobcats and coyotes from the Southern Grapevine Camera Group strongly indicate that these species moved across Interstate 5 via existing culverts. Additional surveys of trails leading from nine Interstate 5 culverts that showed significant evidence of movement in the camera study found evidence of mule deer, bobcat, and coyote moving to and from the Interstate 5 culverts. These camera and wildlife trails survey data indicate movement by large and small mammals in areas within and adjacent to the proposed Project site and also demonstrate that Interstate 5 is not an impermeable barrier to east–west wildlife movement under existing conditions. Most of the existing wildlife movement is...
occurring at the more northerly underpasses and culverts within the Tehachapi uplands. Furthermore, large and small mammals are traversing steep and rugged landscapes such as the north face of Grapevine Peak (see Draft EIR Figure 4.4-16). Movement across these areas allows direct access from the proposed Project site to the Wind Wolves Preserve and Los Padres National Forest west of Interstate 5.

Within the general Project area, native wildlife, including high-mobility species, such as black bear, mountain lion, mule deer, bobcat, and coyote, have been observed at several locations, including around existing developed areas such as the cluster of buildings and facilities at the TRC headquarters and adjacent school. Because the proposed Project site is mostly undeveloped, native wildlife generally range freely across the landscape.

Based on existing information for generally unrestricted wildlife movement across the proposed Project site, within the broader Tehachapi uplands landscape, and across Interstate 5 at several locations, the Draft EIR analyzed the impact of the proposed Project on wildlife movement (described in detail on Draft EIR pages 4.4-431 through 4.4-440). The impact analysis methods included dividing on-site resident and migratory native species into five representative guilds or groups that generally share the same propensity and capacity for movement through a landscape: (1) high-mobility ground-dwelling species (e.g., bear, mountain lion, bobcat, coyote); (2) moderate-mobility ground-dwelling guild (e.g., American badger, raccoon, gray squirrel); (3) low-mobility ground-dwelling guild (e.g., rodents, reptiles, amphibians); (4) high-mobility aerial guild (e.g., California condor, golden eagle, pallid bat); and (5) moderate-mobility aerial guild (e.g., rufous-crowned sparrow, Bell’s sage sparrow, California spotted owl). In general, the ability to move through and within a landscape is more important for high-mobility ground-dwelling species because they range over comparatively large landscapes (e.g., hundreds to thousands of acres) and, therefore, are sensitive to habitat loss, fragmentation, and barriers to movement. High-mobility aerial species are less sensitive to habitat fragmentation because of their ability to fly between suitable habitat patches. Adequate habitat patches are important for the low- and moderate-mobility species because their life cycles tend to occur within relatively small ranges (e.g., less than 1 acre to tens of acres), although some species may exhibit relatively long, one-time dispersal events. In many cases, maintaining adequate linkage habitat for the high-mobility ground-dwelling species will provide habitat for species in the other guilds, serving an “umbrella” function.

The impact analysis also took into consideration the lands north, east, and south of the proposed Project site that would be permanently preserved as open space under the comprehensive Ranchwide Agreement (see Draft EIR Figure 4.4-17). The key element of the Ranchwide Agreement for preserving an adequate wildlife linkage is clearly stated in the Draft EIR (page 4.4-433) (In reprinting this text it was observed that minor edits are required; these textual edits are also available in Section 7.3, ERRATA.):

Figure 4.4-17 shows that the Project’s preserved open space and the Tejon Ranch Company landholdings preserved under the Ranchwide Agreement jointly make up a contiguous, fully avoided wildlife linkage of approximately 178,000 acres. No public roads or commercial, residential, or industrial development of any kind would occur in this linkage. The wildlife linkage would include a contiguous, fully avoided block of land to the north of the Project approximately 4 to 8 miles wide and 9 miles long. This portion of the linkage would connect directly with Interstate 5 underpasses and culverts documented to be the most heavily used by the larger high-mobility species and carnivores in the camera study (see Table 4.4-161). The areal extent of the wildlife linkage would increase to a total of approximately 240,000 acres if all potential acquisition areas in the Tehachapi landscape are acquired under the terms of the Ranchwide Agreement.

The analysis compared the size dimensions of this habitat linkage with other major habitat linkages in Southern California, such as the Santa Ana Mountain Area and Santa Monica Mountain Area linkages,
where significant wildlife species movement is known to occur, and found it to be comparable in dimension and with significantly lower development and fewer major roadway impacts. Based on this comparison, the Draft EIR concluded that the wildlife linkage provided for by the Project supports wildlife movement through the Tehachapi landscape, a conclusion that is carried through into the cumulative impacts assessment which also includes the land conserved under the Ranchwide Agreement.

The Draft EIR specifically analyzed wildlife movement within the proposed development area. The proposed Project includes Open Area where no development would occur; Mountain Residential, where only a very low dwelling unit density of up to 2 units per gross acre could occur; and Resort and Village Mixed-Use, which would allow higher densities of 10 to 30 units per gross acre. The Resort and Village Mixed-Use designations are limited to southern and middle portions of the Project site and a small area immediately adjacent to Interstate 5 near the Lebec interchange, respectively (see Draft EIR, Figure 3-10). Wildlife linkage studies summarized on pages 4.4-435 through 4.4-437 of the Draft EIR indicate that areas such as the Open Area and very low dwelling unit density Mountain Residential designations are compatible with significant wildlife movement, thus extending the function of the large regional wildlife linkage provided for in the Ranchwide Agreement. Andreassen 1996; Loyd 2006; George 2006; Grinder 2001; VerCauteren 2005; Riley 2003; Tigas 2002; Dudek 2008; Ng 2004; Dudek 1995; Haas 2000; Dubil 2007; Umbach 1996; Bernman 2005. Due to the relatively high density of units in the Resort and Village Mixed-Use areas, these areas may not support significant native wildlife populations or as effectively convey movement through the area following build out of the Project.

Accordingly, the Draft EIR concluded that the Project would avoid significant impacts to native resident and migratory wildlife movement through the Tehachapi landscape. Movement between the proposed Project area and Wind Wolves Preserve and the Los Padres National Forest to the west and Sequoia National Forest to the east would not be significantly affected by the Project (Draft EIR, page 4.4-437):

Figure 4.4-17 shows that the avoided open space throughout the western Tehachapi landscape and the Mountain Residential portions of the Project’s development envelope collectively make up a wildlife linkage that varies from approximately 4 to 8 miles wide and 9 miles long north of the Project site and includes a large area of permanently protected open space to the east. The linkage would connect directly with the southern Grapevine and northern Castac Lake Camera Group locations, which were heavily used by high-mobility species in the camera study (see Table 4.4-161). The size of the western Tehachapi landscape wildlife linkage is comparable with or larger than other major linkages in southern California and would be subject to lower levels of development, fragmentation, and roadway intrusion. Significant movement for all species has been documented in other regional linkages that are subject to greater development and roadway pressures. George 2006; Tigas 2002; Haas 2000; Dudek 1995. The permanent preservation of a fully avoided, contiguous wildlife linkage throughout the western Tehachapi landscape and the persistence of linkage function in the lower density portions of the Project would avoid significant impacts on existing native resident and migratory wildlife movement within the Project and in the western Tehachapi landscape.

This conclusion, which primarily is based on the Interstate 5 camera and wildlife trails studies, the Open Area and Mountain Residential designations, and comparable wildlife linkage studies, is also supported by modeling of high-value wildlife movement corridors that was conducted to further analyze potential Project impacts. Linkage design software (Corridor Designer) was used to model habitat areas that would provide the safest (i.e., “least-cost”) movement through a landscape for a focal species, where variables such as natural vegetation communities and roadways affect the cost (e.g., mortality, lack of food or shelter) of moving through the landscape. Areas of the landscape are ranked for these variables and then summed, with the sum of the most highly rated locations between two points being the least-cost.
movement corridor. Research indicates that preservation of the top 1%, or in some cases, the top 0.7% least-cost corridor, would maintain sufficient species movement in a landscape. The Draft EIR analysis is based on a least-cost model that replicated the model used by the South Coast Missing Linkages (SCML) study for the Tehachapi uplands connection. The current modeling was conducted using software that was updated since 2003 and more detailed vegetation information that was generated by Project surveys and distance to roads (see Draft EIR Appendix E-1 for details on the SCML model and the updated application used for the Draft EIR).

The top 1% least-cost corridor analysis was applied to four focal species known to occur in the Project area: mountain lion (high-mobility ground-dwelling guild), mule deer (high-mobility ground-dwelling guild), gray squirrel (moderate-mobility ground-dwelling guild), and spotted owl (moderate-mobility aerial guild). The model results, shown in Draft EIR Figure 4.4-18, depict a general agreement between the replicated SCML results (using the same data used by SCML in 2003) and the updated results using the detailed Project-level vegetation and distance to roads. The model results were very similar and both show that the majority of the highest value wildlife linkage through the western Tehachapi landscape is located in preserved open space north of the Project site. Based on these model results, which are consistent with the empirical data for wildlife movement in the Project area and across Interstate 5, the Draft EIR concluded that (page 4.4-439):

> Virtually all of the top 1% least-corridor solutions for the four focal species in both the 2003 SCML study and the updated analysis occur in the avoided portions of the western Tehachapi landscape or in the lowest density Mountain Residential portions of the Project development envelope. As discussed above, research indicates that wildlife linkage functions are maintained in lower density areas, particularly where such areas are adjacent to significant open spaces. As a result, the Project would not significantly affect the portions of the western Tehachapi linkage that correspond with the highest valued movement corridors identified in the SCML study and updated linkage models.

Although the Draft EIR concluded that the Project would not significantly affect wildlife movement through the western Tehachapi landscape, several mitigation measures will be implemented that will serve to reduce impacts to native resident and migratory wildlife movement. These mitigation measures include: 4.4-1 (culling non-native species such as feral pigs); 4.4-11 (protection of habitats within the Project site that support linkage function); 4.4-12 (ensures that approximately 81% of Project area would remain undeveloped at full build out); 4.4-13 (implementation of Resource Management Plan that would address species movement); 4.4-14 (adoption of Integrated Pest Management Plan that would control pesticide use); 4.4-18 (homeowner educational programs and trail signage regarding protection of biological resources); 4.4-19 (limitations on uses in open areas to activities that would not significantly affect resources, including guided hunting for non-native species control, cattle grazing, education, adaptive management, and low-impact recreation); 4.4-20 (controls on fertilizers and pesticides for golf course maintenance); 4.4-26 (limitations on lighting and direction away from natural open space areas); 4.4-29 (controls on human intrusion into on-site natural vegetation); 4.4-31 (adoption of Grazing Management Plan that ensures that grazing in open areas would avoid special-status wildlife communities and sensitive vegetation communities); 4.4.36 (covering of trash receptacles to avoid and reduce attraction of native and non-native wildlife to developed areas); and 4.4-37 (requirement that horse feed mixes do not contain seeds that may result in invasions of non-native plants into open areas). Consequently, wildlife movement and corridor functions and values will not be significantly impacted and will be maintained by the Project. Under the cumulative impacts analysis, this conclusion was further bolstered by the amount and the location of lands conserved under the Ranchwide Agreement.

For additional information on wildlife corridors, please see Responses 19-L and 24-L5-24-N5.
Response 26 D.

The Defenders of Wildlife comment that cumulative impacts from multiple projects in the “Mountain Communities” area, including Centennial, San Emidio New Town, Martin Brothers’ development, Frazier Park, and many others were not adequately discussed in the Draft EIR.

The cumulative analysis in Section 4.4.5, CUMULATIVE IMPACTS, analyzes impacts to biological resources based on specific projects in the vicinity of the Tejon Mountain Village Project site that have been either approved or are currently under consideration. This analysis considered cumulative impacts within the range of each special-status species for which there is an actual or potential significant adverse cumulative project impact, or for which scoping questions were raised regarding potential impacts to a species’ range (see Section 3.7, CUMULATIVE EFFECTS OVERVIEW, page 3-49, of the Draft EIR). All of the projects listed in the Defenders of Wildlife comment were included in the cumulative impacts analysis (see Table 1. Projects Considered in Cumulative Analyses on pages 3-52 to 3-60 of the Draft EIR). The cumulative impacts analysis in Section 4.4.5, CUMULATIVE IMPACTS, considered all of the projects listed by Defenders of Wildlife, and considered in greater detail the following projects because they are likely to support similar biological resources to the proposed Project:

- Frazier Park Estates: A proposed project located in Kern County west of Tejon Mountain Village near the Kern County, Los Angeles County, and Ventura County boundary confluence on the west side of Interstate 5. Frazier Park Estates is a planned mixed-use community encompassing approximately 850 acres. The Frazier Park Estates Specific Plan amendment and zone change and Environmental Impact report are being circulated at the same time as this document and is scheduled for the August 27, 2009 Planning Commission Hearing. Consideration by the Board of Supervisors is anticipated in September.

- BLH Development, Inc.: 33 residential units near the Kern County-Los Angeles County border. The development site is located on the east side of Interstate 5 in Kern County near the Los Angeles County line. A development application is pending with Kern County.

- Curtis Martin: A seven-unit project on Hayride Road east of Interstate 5 in Lebec. The project is located on the east side of Interstate 5 in Kern County near the Los Angeles County line, and a development application is pending with Kern County.

- Tejon Industrial Complex (TIC): An approved project within Kern County located approximately 4 miles north of the Tejon Mountain Village Project site on the east and west side of Interstate 5. TIC East Specific Plan includes approximately 1,100 acres and is approved and designated for 15 million square feet of industrial development and commercial use. TIC West is a 325-acre site with an approved precise development plan located west of Interstate 5 and includes existing master-planned industrial and highway-oriented commercial uses.

- Centennial: A proposed master-planned community approximately 1 mile southeast of the southern boundary of the proposed Project site, within a portion of Tejon Ranch that is in Los Angeles County. The project is proposed to include residential with supporting commercial, industrial, and institutional uses on about 11,000 acres. The Centennial project entitlement application and environmental review process are in progress in Los Angeles County.

In addition, the cumulative impacts analysis considered the Ranchwide Agreement (Tejon Ranch Conservation and Land Use Agreement) with several major environmental organizations. The Ranchwide Agreement provides for the permanent preservation of approximately 90% of Tejon Ranch, in a
combination of donated conservation easements, conservation easement acquisition areas, and designated open space areas within future development areas (including the open space areas of the Project, as described in Section 4.2, AGRICULTURAL RESOURCES; noted in Chapter 3, PROJECT DESCRIPTION; and depicted in Figure 3-10 of the Draft EIR). The cumulative analysis also considers the Tehachapi Upland Multiple Species Habitat Conservation Plan (TUMSCHP), which is pending with the USFWS. The intent of the TUMSCHP is to meet the requirements of a USFWS Section 10(a)(1)(B) Incidental Take Permit (ITP) for 27 Covered Species, including the California condor. The TUMSCHP Covered Lands occur in Kern County and would encompass 141,886 acres of the 270,365-acre Tejon Ranch. The TUMSCHP is designed primarily to preclude development and protect as open space in perpetuity a minimum of 82% of the Covered Lands (including the whole of an identified Condor Study Area) and up to 91% of the Covered Lands if options to acquire additional conservation easements are exercised as authorized by the Ranchwide Agreement. While the TUMSCHP is the intended means of obtaining a permit from USFWS that would cover the Tejon Mountain Village Project development, other forms of USFWS permits under the federal Endangered Species Act (ESA) will be required to be obtained in lieu of the TUMSCHP (i.e., if the TUMSCHP is not approved as proposed). Other forms of ESA authorization(s) may also be obtained in lieu of a Section 10(a)(1)(B) ITP, including for example a Biological Opinion issued under Section 7 of the ESA. An alternate form of HCP could also be approved, such as an HCP that covered only the California condor and did not extend ESA protection to the many species in the TUMSCHP that currently are not listed under or otherwise subject to the ESA. Additionally, in lieu of a project-specific ESA approval such as those discussed above, a "Section 10(j) Rule" may be issued to address the California condor population in a region of California; such a 10(j) Rule has been successfully implemented in Arizona where the California condor population has rapidly grown to more than 70 birds since the release program began. The TUMSCHP is accordingly only one of several legal mechanisms by which ESA authorization can be obtained for the whole of the Project.

The Draft EIR cumulative impacts analysis states:

The Ranchwide Agreement (Appendix J-1) includes conservation areas within the Antelope Valley, Tehachapi Mountains, and San Joaquin Valley Landscape Units. It includes habitats that range from riparian and wetland to upland scrub and shrub, forested areas, and grasslands. A wide variety of special-status species would be anticipated to occur within these areas. The Tejon Industrial Complex is located within the San Joaquin Valley and is generally composed of developed and agriculture lands and would be expected to have special-status species potentially present within the valley floor. The BLH, Curtis Martin, and Frazier Park Estates projects are all located near Tejon Mountain Village within the Tehachapi Mountains and would be anticipated to have similar special-status species potentially present to those present on Tejon Mountain Village. The Centennial project is located within the Antelope Valley Landscape Unit and thus would be expected to have more desert or lowland special-status species present. The projects identified above, except for the Ranchwide Agreement, would result in impacts on special-status plant and animal species. The TUMSCHP would allow for some take of special-status Covered Species; it would also provide for substantial conservation of those species and their habitats where they occur. The proposed Tejon Mountain Village Project would result in impacts on special-status species characteristic of the Tehachapi Uplands as described under Impact 4.4-1, some of which are considered significant. Together with the Tehachapi Uplands development projects on the cumulative projects list, effects on special-status species may be regarded as cumulatively considerable. Species potentially affected are analyzed in Table 4.4-163. The Ranchwide Agreement and TUMSCHP projects on the cumulative project list would result in substantial conservation for these species where they occur, and mitigation is proposed by Tejon Mountain Village for effects on special-status species as described under Impact 4.4-1. Taken together, the conservation proposed by the Ranchwide Agreement and the TUMSCHP, and
mitigation for special-status species proposed by Tejon Mountain Village would result in less-than-significant cumulative impacts to special-status species within the cumulative study areas. Because the combined effects of the cumulative projects and associated conservation and mitigation would result in less-than-significant effects to special-status species within the cumulative study area, effects on special-status species throughout their range would also be less than significant. In fact, conservation and mitigation as proposed by the Ranchwide Agreement, the TUMSHCP, and the Tejon Mountain Village Project would likely benefit protection and conservation of special-status species within their range.

Draft EIR, pages 4.4-451 and 4.4-452.

Response 26 E.

The comment letter from the Defenders of Wildlife states that there is a possibility of negative impacts to wildlife and habitat from pesticides and toxic chemicals used around the residences and on the two proposed golf courses.

Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR Impact 4.4-1 addresses long-term impacts to special-status species, including pesticide use, associated with the proposed Project. Pesticides may have various effects on different species, including direct poisoning, secondary poisoning through prey contamination, reductions in prey abundance, and other physiological and developmental effects. The Draft EIR includes the following text: “Potentially significant long-term indirect impacts could include potential chemical releases, such as pesticides...” for the following special-status wildlife species: Tehachapi slender salamander, yellow-blotched salamander, two-striped garter snake, coast horned lizard, coast patch-nosed snake, silvery legless lizard, western spadefoot toad, tricolored blackbird, yellow-headed blackbird, little willow flycatcher, southwestern willow flycatcher, vermillion flycatcher, yellow warbler, yellow-breasted chat, least Bell’s vireo, western yellow-billed cuckoo, Lawrence’s goldfinch, Lewis’ woodpecker, olive-sided flycatcher, purple martin, loggerhead shrike, golden eagle, bald eagle, prairie falcon, American peregrine falcon, ferruginous hawk, California spotted owl, northern goshawk, northern harrier, short-eared owl, white-tailed kite, burrowing owl, American white pelican, Caspian tern, long-billed curlew, black-chinned sparrow, Brewer’s sparrow, raptor nests for Cooper’s hawk, red-tailed hawk, red-shouldered hawk, American kestrel, barn owl, great-horned owl, American badger, San Diego black-tailed jackrabbit, ringtail, pallid bat, spotted bat, Townsend’s big-eared bat, and western mastiff bat.

In Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR the tables on pages 4.4-201 through 4.4-239 identify Mitigation Measures 4.4-14 and 4.4-20 for each species as mitigation measures for long-term indirect impacts. Mitigation Measure 4.4-14 would require implementation of an Integrated Pest Management Plan, which would avoid and minimize impacts of pesticide products on adjacent Project open space (see full text of mitigation measure below). Mitigation Measure 4.4-20 requires preparation and implementation of a golf course maintenance plan, which would avoid and minimize the potential effects of the golf course on water quality as a result of golf course maintenance practices, including pesticides (see full text of mitigation measure below). After implementation of Mitigation Measures 4.4-14 and 4.4-20, long-term indirect impacts to special-status wildlife due to pesticide use would be less than significant (see Draft EIR Table 4.4-153).

Mitigation Measures 4.4-14 and 4.4-20 state (Draft EIR, pages 4.4-125 to 4.4-126 and 4.4-128):

Mitigation Measure 4.4-14: An integrated pest management plan for common area landscaping and hotel and commercial areas shall be prepared. Implementation of the integrated pest management plan shall avoid and minimize impacts related to fertilizers, pesticides, and water
quality. The integrated pest management plan shall also provide mitigation by providing guidelines for the eradication of non-native, invasive species, including African clawed frog and Argentine ant, and non-native wildlife nuisances. The integrated pest management plan shall discuss the use of pesticides and other methods of passive and active controls and management on site. For common area landscaping, the integrated pest management plan shall be prepared prior to the installation of common area landscaping; for hotel and commercial areas, the integrated pest management plan shall be prepared prior to issuance of building permits.

Covenants, conditions, and restrictions that will be recorded to inform future property owners of applicable requirements shall include language that prohibits the use of anticoagulants (used for rodent control) at Tejon Mountain Village. The Property Owners’ Association, in coordination with the Project Biologist, shall also supply educational information to residents on compliance with federal and state laws governing the use of pesticide products.

Mitigation Measure 4.4-20: The operator of the golf course shall prepare a golf course maintenance plan, which will include procedures to control impacts to stormwater quality and groundwater quality as a result of golf course maintenance practices, including irrigation and use of fertilizers and pesticides. The golf course maintenance plan shall be prepared in accordance with federal and state laws governing the use of pesticides and fertilizers and shall be coordinated with the Integrated Pest Management plan (Mitigation Measure 4.4-14). The golf course maintenance plan shall be finalized prior to issuance of a certificate of occupancy for the golf course maintenance building.

Response 26 F.

The comment letter from the Defenders of Wildlife states that light pollution and noise could have an adverse impact on wildlife populations that have evolved in a relatively intact and pristine landscape.

Measures that avoid and minimize impacts related to light pollution and noise will be implemented. These mitigation measures are discussed below, but the reader is directed to Section 4.4, BIOLOGICAL RESOURCES, for the full text of the mitigation measures and Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for text clarifications made to mitigation measures.

Draft EIR Impact 4.4-1 addresses short-term and long-term impacts to special-status species, including lighting, associated with the proposed Project. Lighting and glare are identified as both short-term (construction-related) and long-term (operations-related) indirect impacts on wildlife in the Draft EIR (page 4.4-76) if the lighting is directed into open space areas adjacent to development. Lighting could cause disruptions in normal behavior of species such as identified for the California condor (Draft EIR, page 4.4-92). Potential impacts of light and glare on wildlife include increased stress, disruptions of daily cycles (including hormonal cycles that may affect reproduction), disruptions in habitat use and orientation, and increased risk of predation. In addition to potential impacts on the condor, lighting is identified as a potentially significant short-term and long-term impact on the following special-status wildlife species: Tehachapi slender salamander, yellow-blotched salamander, two-striped garter snake, coast horned lizard, coast patch-nosed snake, silvery legless lizard, western spadefoot toad, tricolored blackbird, yellow-headed blackbird, little willow flycatcher, southwestern willow flycatcher, vermilion flycatcher, yellow warbler, yellow-breasted chat, least Bell’s vireo, western yellow-billed cuckoo, Lawrence’s goldfinch, Lewis’ woodpecker, olive-sided flycatcher, purple martin, loggerhead shrike, golden eagle, bald eagle, prairie falcon, American peregrine falcon, ferruginous hawk, California spotted owl, northern goshawk, northern harrier, short-eared owl, white-tailed kite, burrowing owl, American white pelican, Caspian tern, long-billed curlew, black-chinned sparrow, Brewer’s sparrow, raptor nests for Cooper’s hawk, red-tailed hawk, red-shouldered hawk, American kestrel, barn owl, and great-horned eagle.
owl, American badger, San Diego black-tailed jackrabbit, ringtail, pallid bat, spotted bat, Townsend’s big-eared bat, and western mastiff bat.

Potentially significant indirect impacts of lighting during construction activities would be reduced to a level less than significant with Mitigation Measure 4.4-9 subpart “p.” Mitigation Measure 4.4-9 restricts the use of lighting adjacent to open space areas during construction. Construction activities within 100 feet of the outside edge of the development envelope containing habitat for special-status wildlife will be prohibited between sunset and sunrise, and all construction-related lighting will be turned off during that period, with the exception of lighting for maintenance of construction equipment. Lighting for the maintenance of construction equipment during nighttime would be downcast luminaries with light patterns directed away from natural areas if within 100 feet of habitat for special-status wildlife.

Potentially significant indirect impacts of lighting resulting from long-term operations would be reduced to a level less than significant with Mitigation Measure 4.4-26, as listed in Draft EIR tables on pages 4.4-201 through 4.4-239 for each species. Mitigation Measure 4.4-26 requires the use of exterior lighting to be limited and directed away from natural open spaces. All lighting along the perimeter of the open space areas exterior to the development envelope shall be downcast with light patterns directed away from natural areas and shall be consistent with the dark sky guidelines.

Draft EIR Impact 4.4-1 addresses short-term and long-term impacts to special-status species, including noise, associated with the proposed Project. Noise is identified as both a short-term (construction-related) and long-term (operations-related) indirect impact on special-status wildlife in the Draft EIR (page 4.4-76). Noise can have several adverse impacts on wildlife, including annoying and causing individuals to abandon nests or dens, altering habitat use, raising levels of stress hormones, causing permanent injury to auditory systems, interfering with acoustic communication (e.g., bird song or amphibian calls) by masking important sounds or sound components, and interfering with predator detection.

For short-term construction-related noise impacts, Draft EIR Tables 4.4-39 through 4.4-85 include the following text: “construction-related noise, … could result in potentially significant indirect impacts….” for the following species: Tehachapi slender salamander, yellow-blotched salamander, two-striped garter snake, coast horned lizard, coast patch-nosed snake, silvery legless lizard, western spadefoot toad, tricolored blackbird, yellow-headed blackbird, little willow flycatcher, southwestern willow flycatcher, vermillion flycatcher, yellow warbler, yellow-breasted chat, least Bell’s vireo, western yellow-billed cuckoo, Lawrence’s goldfinch, Lewis’ woodpecker, olive-sided flycatcher, purple martin, loggerhead shrike, golden eagle, bald eagle, prairie falcon, American peregrine falcon, ferruginous hawk, California spotted owl, northern goshawk, northern harrier, short-eared owl, white-tailed kite, burrowing owl, American white pelican, Caspian tern, long-billed curlew, black-chinned sparrow, Brewer’s sparrow, raptor nests for Cooper’s hawk, red-tailed hawk, red-shouldered hawk, American kestrel, barn owl, and great-horned owl, American badger, San Diego black-tailed jackrabbit, ringtail, pallid bat, spotted bat, Townsend’s big-eared bat, and western mastiff bat.

Construction-related noise impacts to special-status birds will primarily be addressed by Mitigation Measure 4.4-22, which requires pre-construction surveys, appropriate setbacks during the breeding season, and biological monitoring during construction (Draft EIR, pages 4.4-128 through 4.4-129):

- For construction-related impacts to burrowing owl, including noise impacts, Mitigation Measure 4.4-24 will be implemented (Draft EIR, pages 4.4-129 through 4.4-130). Mitigation Measure 4.4-24 requires pre-construction surveys for burrowing owls prior to scheduled construction activity, a 300-foot construction setback for any active nest burrows, and CDFG-approved closure of burrows occupied by non-nesting owls.
- For construction-related impacts to American badger, including noise impacts, Mitigation Measure 4.4-25 will be implemented (Draft EIR, pages 4.4-130 to 4.4-131). Mitigation Measure 4.4-25 requires pre-construction surveys for active wintering and natal dens of American badger and a 100-foot setback during construction.

- For construction-related impacts to special-status bats, including noise impacts, Mitigation Measure 4.4-30 will be implemented (Draft EIR, page 4.4-132). Mitigation Measure 4.4-30 requires pre-construction surveys for active maternity roosts of special-status bats and a 300-foot setback during construction.

- For construction-related impacts to ringtail, including noise impacts, Mitigation Measure 4.4-43 will be implemented (Draft EIR, page 4.4-138). Mitigation Measure 4.4-43 requires preconstruction surveys for ringtail prior to scheduled construction activity and a 300-foot setback from any active breeding/rearing areas.

- For construction-related impacts to western spadefoot toad, including noise impacts, Mitigation Measure 4.4-44 will be implemented (Draft EIR, page 4.4-138). Mitigation Measure 4.4-44 requires preconstruction surveys for western spadefoot toad prior to scheduled construction activity and a 300-foot setback from any egg-mass- or larva-occupied areas.

- For construction-related impacts to American peregrine falcon, including noise impacts, Mitigation Measure 4.4-45 will be implemented (Draft EIR, page 4.4-139). Mitigation Measure 4.4-45 requires focused surveys for nesting American peregrine falcons and protection of active nests through buffers.

- For construction-related impacts to golden eagle, including noise impacts, Mitigation Measure 4.4-46 will be implemented (Draft EIR, page 4.4-139). Mitigation Measure 4.4-46 prohibits construction activities within the viewshed of an active golden eagle nest, even if the nest becomes active after the area has been approved for construction.

- For long-term operations-related noise impacts, the Draft EIR identified potentially significant impacts for several special-status wildlife species, including little willow flycatcher, vermilion flycatcher, Lawrence’s goldfinch, Lewis’ woodpecker, olive-sided flycatcher, purple martin, loggerhead shrike, golden eagle, northern goshawk, northern harrier, short-eared owl, long-billed curlew, black-chinned sparrow, raptor nests for Cooper’s hawk, red-tailed hawk, red-shouldered hawk, American kestrel, barn owl, and great-horned owl, San Diego black-tailed jackrabbit, pallid bat, spotted bat, Townsend’s big-eared bat, and western mastiff bat. With the exception of the potential long-term noise impacts to nesting golden eagle, the identification of significant long-term noise impacts to these species will be revised in the Final EIR, as explained below.

The primary potential source of long-term noise impacts to special-status wildlife resulting from the proposed Project is traffic noise. A commonly used threshold for adverse effects of noise on birds is 60 dBA, which was identified by Hein (1997) as the noise threshold for impacts on the least Bell's vireo based on the theory of masking. However, it should be noted that the noise threshold established by Hein (1997) for the least Bell's vireo is theoretical and that empirical studies have shown that noise impacts on avian species vary among species and depend on source, duration, and schedule, as well as different kinds of compensatory responses by different species, such as singing more loudly or at different frequencies.

Draft EIR Section 4.11, NOISE, analyzes the increased traffic noise that would result from the Project and includes a figure showing the 65 dBA noise contour for the Project area (see Draft EIR Figure 4.11-
5). This figure illustrates that by far the largest source of traffic noise is Interstate 5. More limited areas within the Project boundary would have road segments with 65 dBA contours, such as along Lake Drive and the southern private access road that has the highest traffic volumes (see Figure 4.15-7). These areas with the 65 dBA contours represent a very small proportion of the total Project area and therefore would have a small overall effect on wildlife; this small effect within the Project site is considered to be less than significant. Furthermore, the cumulative effect of the Project on the traffic noise generated by Interstate 5 is very small. As indicated in Section 4.11 of the Draft EIR, the proposed Project would have very little effect on traffic noise generated by Interstate 5 in the year 2030:

Existing without-project traffic noise levels would range from approximately 56 dBA Ldn at ST-12 (a residence located west of the Project site on Lebec Road) to 73 dBA Ldn at ST-3a (2037 Lebec Road). Future without-project traffic noise levels would range from approximately 60 dBA Ldn at ST-12 to 76 dBA Ldn at ST-13a. Future with-project conditions are predicted to range from 61 dBA Ldn at ST-12 to 76 dBA Ldn at ST-3a.

Although the Draft EIR concludes that the proposed Project would contribute to cumulative noise effects generated by traffic on Interstate 5 because they already exceed an exterior ambient noise level set by the Kern County General Plan noise standards, this contribution to potential effects on wildlife is considered to be less than significant because these effects are limited to the Interstate 5 corridor, which, other than providing crossing points for wildlife, affects a very small proportion of the Project area important for wildlife, as shown in Figure 4.11-5.

Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification. The Final EIR will be revised to reflect this information as follows:
Table 4.4-116. Long-Term Impacts to Little Willow Flycatcher

<table>
<thead>
<tr>
<th>Little willow flycatcher</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empidonax traillii brewsteri</td>
<td>Not threatened or endangered under FESA</td>
</tr>
<tr>
<td></td>
<td>State: Endangered DFG2008b</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed in willow-dominated riparian areas adjacent to Castac Lake, near Cuddy and Grapevine Creek, and in Bear Trap and Rising Canyons. This species was not observed breeding on the Project site.

There are approximately 80 acres of potentially suitable foraging habitat on the project site, which includes all riparian forest and woodland communities and the Great Valley valley oak riparian association.

**Long-Term Impacts**

Approximately 77% (62 acres) of the foraging habitat for this species would be avoided in project open space and riparian Special Management Areas (11 through 121). The remaining acres include approximately 12 acres in the secondary impact area (fuel modification zone) and 6 acres are in the development envelope, and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-118. Long-Term Impacts to Vermilion Flycatcher

<table>
<thead>
<tr>
<th>Vermilion flycatcher</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pyrocephalus rubinus</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

Only one male was observed in Dry Field Canyon in a large oak tree; this species is not considered to be breeding on Tejon Mountain Village. There are approximately 80 acres of foraging habitat on site. Suitable habitat includes all communities within the Riparian and Bottomland Habitat vegetation communities, which include all the willow-dominated communities as well as the Central California sycamore alluvial woodland community.

**Long-Term Impacts**

Approximately 77%, or 62 acres, of foraging habitat for this species would be avoided in project open space and Special Management Areas. Project long-term direct impacts to other onsite foraging habitat areas would be less than significant because this species does not breed on the project site, and only one individual was observed in one location.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-123. Long-Term Impacts to Lawrence’s Goldfinch

<table>
<thead>
<tr>
<th>Lawrence’s goldfinch</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Carduelis lawrencei</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td>Other Federal: USFWS Bird of Conservation Concern (DFG 2008b)</td>
<td></td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed foraging within riparian habitats around Castac Lake, Pastoria Creek, Rising Creek, Grapevine Creek, and in Skinner Canyon. Lawrence’s goldfinch is presumed to be breeding on the project site based on the timing of observations. No nests have been identified.

There are approximately 6,400 acres of suitable habitat, which includes oak woodlands and forests, riparian forest and woodland, and coniferous forests and woodland near perennial water (within a distance of 0.3 mile).

**Long-Term Impacts**

Approximately 4,689 acres, or 74%, of the suitable habitat for this species is located within project open space areas and would be avoided. Approximately 1,663 acres, or 26%, of suitable habitat are within the development envelope and offsite infrastructure improvement area, and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-124. Long-Term Impacts to Lewis’ Woodpecker

<table>
<thead>
<tr>
<th>Lewis’ woodpecker</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Melanerpes lewis</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFWS Bird of Conservation Concern</td>
</tr>
<tr>
<td></td>
<td>(DFG 2008b)</td>
</tr>
</tbody>
</table>

Occurrences and Suitable Habitat at Tejon Mountain Village

This species was observed on Rising Canyon, just north of Dry Field, on Squirrel Ridge, between Squirrel and Silver Canyons, and between Monroe and Short Canyons. Lewis’ woodpecker is presumed to be breeding on the project site based on the timing of observations. No nests have been identified.

There are approximately 5,300 acres of suitable habitat, which includes broad-leaved woodlands and forests and riparian forest and woodland with an open canopy (50% cover or less).

Long-Term Impacts

Approximately 3,059 acres, or 58%, of the suitable habitat for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 2,218 acres, or 42%, of suitable habitat are within the development envelope (1,899 acres), offsite infrastructure area (1 acre), and secondary impact area (fuel modification zone) (319 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-25, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-35 (which requires European starling monitoring, removal, and management, since this species is potentially impacted by nest parasitism), 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-125. Long-Term Impacts to Olive-Sided Flycatcher

<table>
<thead>
<tr>
<th>Olive-sided flycatcher</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Contopus cooperi</em></td>
<td>Not threatened or endangered under FESA or CESA. Other Federal: USFWS Bird of Conservation Concern (DFG 2008b) Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed foraging on the project site. It is presumed to be breeding on the project site based on the timing of observations. No nests have been identified.

Approximately 130 acres of suitable habitat, which includes open canopy (50% cover or less) within the pine forests and woodlands and juniper woodland and scrub communities.

**Long-Term Impacts**

Approximately 106 acres, or 79%, of the suitable habitat for this species would be located within project open space areas and would be avoided. Approximately 28 acres, or 21%, of suitable habitat are within the development envelope (13 acres), and secondary impact area (fuel modification zone) (15 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat within project open space areas. Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to less than significant.
Table 4.4-126. Long-Term Impacts to Purple Martin

<table>
<thead>
<tr>
<th>Purple martin</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Progne subis</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed nesting and foraging on the project site. Six active breeding locations within crevices or holes in standing trees were observed in 2007. In previous surveys, six purple martin breeding locations were also observed. These breeding locations were concentrated in the northwest portion of the site.

There are approximately 16,300 acres of suitable habitat, which includes coniferous upland forest and woodland, broad-leafed upland tree dominated communities, and riparian forest and woodland communities.

**Long-Term Impacts**

Approximately 10,967 acres, or 67%, of the suitable habitat for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 5,319 acres, or 33%, of suitable habitat are within the development envelope (4,393 acres), offsite infrastructure area (2 acres), or secondary impact area (fuel modification zone) (925 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-25, 4.4-26, 4.4-27, 4.4-28, 4.4-29, 4.4-32, 4.4-35 (which requires European starling monitoring, removal, and management, since this species is potentially impacted by nest parasitism), 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-127. Long-Term Impacts to Loggerhead Shrike

<table>
<thead>
<tr>
<th>Loggerhead shrike</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Lanius ludovicianus</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFWS Bird of Conservation Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed foraging on the project site during wintering bird surveys and could be either a year-round resident or possibly a winter visitor from northern portions of its range. There is a high likelihood that the species would breed on the project site because of the presence of suitable habitat on site and the year-round distribution of the species.

There are approximately 12,800 acres of suitable habitat, including 5,000 acres of foraging habitat and 7,800 acres of primary habitat (both breeding and foraging). This species forages in a variety of habitats, including selected grasslands, agricultural areas, scrub communities, and woodlands. Suitable breeding habitat consists mainly of shrublands or open woodlands with a fair amount of grass cover and areas of bare ground.

**Long-Term Impacts**

Approximately 50% of foraging habitat and 59% of primary habitat for this species would be located in project open space and Special Management Areas and would be avoided. Approximately 2,504 acres, or 50%, of foraging habitat and 3,161 acres, or 41%, of primary habitat are in the development envelope (2,197 acres of foraging habitat and 2,465 acres of primary habitat), offsite infrastructure areas (13 acres of foraging habitat and 1 acre of primary habitat), and the secondary impact area (fuel modification zone) (294 acres of foraging habitat and 695 acres of primary habitat), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status plants, animals, or vegetation communities; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to less than significant.
### Table 4.4-128. Long-Term Impacts to Golden Eagle

<table>
<thead>
<tr>
<th>Golden eagle</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Aquila chrysaetos</em></td>
<td>Not threatened or endangered under FESA or CESA; protected under Bald and Golden Eagle Protection Act</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFWS Bird of Conservation Concern; BLM sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Watch List (DFG 2008b); DFG protected and fully protected species; DFG sensitive</td>
</tr>
</tbody>
</table>

#### Occurrences and Suitable Habitat at Tejon Mountain Village

Golden eagles were observed 2006 through 2008 in and around Silver, Short, and Bear Trap Canyons and on Geghus, Skinner, and Squirrel Ridges. This species is considered to be a breeding resident on the project site. Three active golden eagle breeding nests were documented on the project site in 2007. All three nests were located in large oak trees in canyon live oak woodlands and forests: one overlooking Rising Canyon, west of the gas line easement and south of the main road through Rising Canyon; one in a drainage northwest of Squirrel Canyon; and one near the project’s southeastern boundary, south of Poleline Ridge overlooking an unnamed canyon. Many of the observations of golden eagles foraging, perching, and flying were concentrated around the active nest sites, especially the nests near Rising Canyon and Squirrel Canyon. In some instances, juveniles were observed far from the three active nest sites (no other nests were discovered), suggesting that these juveniles had fledged from one of the three active nests (either in 2007 or previous years) and flown to other areas where they were observed. In general, some golden eagle pairs use the same nest every year, while others alternate between nests or use a nest built by the previous generation. Some golden eagle pairs may only nest every other year.

Suitable breeding habitat includes cliffs and large trees in woodlands and forests with cover greater than 40% (or from moderately dense to dense); suitable foraging habitat includes a broad expanse of open country for hunting, including grasslands, deserts, savannahs, and early successional stages of forest and shrub habitats (Johnsgard 1990), especially in hilly and mountainous regions, coastal sage scrub, chaparral, and open coniferous forests; and suitable foraging and breeding habitat includes some of the blue oak and valley oak savannah and shrub associations on the project site.

There are approximately 22,700 acres of suitable habitat within the site. Suitable habitat includes habitat suitable for breeding only (i.e., dense oak woodlands with greater than 40% cover and Great Valley valley oak riparian association, totaling 10,200 acres), habitat suitable for foraging only (e.g., scrub, native and non-native grasslands and agricultural areas, totaling 6,700 acres), and habitat suitable for both breeding and foraging (e.g., open oak woodlands with less than 40% cover, totaling 5,800 acres).

#### Long-Term Impacts

Approximately 71% (7,264 acres) of primary breeding habitat, 54% (3,638 acres) of foraging habitat, and 61% (3,516 acres) of breeding and foraging habitat would be avoided in project open space and Special Management Areas. Approximately 2,967 acres, or 29%, of suitable primary breeding habitat are within the development envelope (2,387 acres) and secondary impact area (fuel modification zone) (579 acres). Approximately 3,054 acres, or 46%, of suitable foraging habitat are within the development envelope (2,664 acres), offsite infrastructure areas (23 acres), and secondary impact area (fuel modification zone) (367 acres). Approximately 2,239 acres, or 39%, of the breeding and foraging suitable habitat are within the development envelope (1,922 acres), offsite infrastructure areas (1 acre), and secondary impact area (fuel modification zone) (316 acres).

Development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise (breeding nests only) and lighting; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the
<table>
<thead>
<tr>
<th>Golden eagle</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Aquila chrysaetos</em></td>
<td>Not threatened or endangered under FESA or CESA; protected under Bald and Golden Eagle Protection Act</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFWS Bird of Conservation Concern; BLM sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Watch List (DFG 2008b); DFG protected and fully protected species; DFG sensitive</td>
</tr>
</tbody>
</table>

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-1 (requires that all participants in onsite population management efforts be educated in the identification and behavior of this species and supervised by a trained hunting guide to avoid any accidental encounter with this species), 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-2 (which prohibits new high-voltage towers or power lines within the project area, and includes BMPs for the relocation of lines within 1,000 feet of existing lines or aboveground structures), 4.4-29, 4.4-37, 4.4-39, 4.4-41 (which requires focused surveys for nesting golden eagles and protection of active nests through buffers and viewshed limitations), and 4.4-46 (which prohibits construction activities within the viewshed of an active golden eagle nest, even if the nest becomes active after the area has been approved for construction) would reduce potential impacts to **less than significant**.

The project would not cause injury or death of any eagle and neither the project nor any mitigation measure would require or authorize the capture or relocation of any individuals in violation of California law.
Table 4.4-135. Long-Term Impacts to Northern Goshawk

<table>
<thead>
<tr>
<th>Northern goshawk</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accipiter gentilis</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive; BLM sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed near Squirrel Canyon and Bear Trap Canyon (Jones & Stokes 2006a). It is considered to have migrated through or wintered on site. The species was determined to not be breeding on the project site in 2007 and would not be expected to, based on their preferred habitat and distribution. Approximately 1,100 acres of suitable foraging habitat are present on the project site and include dense woodlands (cover greater than 70%).

**Long-Term Impacts**

Approximately 90% (1,033 acres) of suitable foraging habitat would be avoided in project open space and riparian Special Management Areas (11 through 121). Approximately 112 acres, or 10%, of suitable foraging habitat would be impacted within the development envelope (85 acres) and secondary impact area (fuel modification zone) (27 acres).

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to less than significant.
Table 4.4-136. Long-Term Impacts to Northern Harrier

<table>
<thead>
<tr>
<th>Northern harrier</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circus cyaneus</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

### Occurrences and Suitable Habitat at Tejon Mountain Village

This species was observed several times on the south and west side of Castac Lake and is presumed to be a resident and breeding on the project site due to timing of field observations and detected breeding behavior. Approximately 1,900 acres of suitable foraging habitat and 100 acres of suitable breeding habitat are present on the project site. Suitable habitat includes open wetland and open scrub habitats for foraging and herbaceous wetlands for breeding.

### Long-Term Impacts

Approximately 91% (90 acres) of breeding habitat and 42% (780 acres) of foraging habitat would be avoided in project open space and Special Management Areas (11 through 121). Approximately 9 acres, or 9%, of suitable breeding habitat are within the development envelope (5 acres), offsite infrastructure areas (1 acre), and secondary impact area (fuel modification zone) (2 acres), and 1,087 acres, or 58%, of suitable foraging habitat are within the development envelope (975 acres), offsite infrastructure areas (5 acres), and secondary impact area (fuel modification zone) (108 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-24, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address potential impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-137. Long-Term Impacts to Short-Eared Owl

<table>
<thead>
<tr>
<th>Short-eared owl</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asio flammeus</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed in the southwest portion of the Tejon Mountain Village Specific Plan area and near Castac Valley and was confirmed breeding on site.

Approximately 5,900 acres of suitable foraging and breeding habitat are present on the project site, and 165 acres of suitable habitat are present for foraging activities. Suitable habitat includes meadows, marshes, grasslands, and agriculture for foraging, and grasslands for nesting.

**Long-Term Impacts**

Approximately 84% (138 acres) of foraging habitat and 54% (3,156 acres) of primary habitat would be avoided in project open space and riparian Special Management Areas (11 through 121). Approximately 28 acres, or 16%, of suitable foraging habitat are within the development envelope (20 acres), offsite infrastructure areas (2 acres), and secondary impact area (fuel modification zone) (6 acres), and 2,715 acres, or 46%, of suitable primary habitat are within the development envelope (2,393 acres), offsite infrastructure areas (5 acres), and secondary impact area (fuel modification zone) (316 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to a less-than-significant level.
Table 4.4-142. Long-Term Impacts to Long-Billed Curlew

<table>
<thead>
<tr>
<th>Long-billed curlew</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Numenius americanus</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFWS Birds of Conservation Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Watch List (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed foraging on the project site near Castac Lake. The species is not expected to nest on site due to its range and/or habitat requirements for breeding.

There are approximately 6,000 acres of potentially suitable habitat, which includes open grassland and wet meadows; suitable habitat could be used for foraging and migration. No suitable nesting habitat for this species exists on the project site.

**Long-Term Impacts**

Approximately 55% (3,294 acres) of foraging habitat would be avoided in project open space and riparian Special Management Areas (11 through 121). Approximately 2,742 acres, or 45%, of suitable breeding habitat are within the development envelope (2,413 acres), offsite infrastructure areas (7 acres), and secondary impact area (fuel modification zone) (322 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-143. Long-Term Impacts to Black-Chinned Sparrow

<table>
<thead>
<tr>
<th>Black-chinned sparrow</th>
<th>Spizella atrogularis</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Not threatened or endangered under FESA or ESA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Federal: USFWS Birds of Conservation Concern; U.S. Bird Conservation Watch List (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other: Audubon Society sensitive (DFG 2008b)</td>
</tr>
</tbody>
</table>

Occurrences and Suitable Habitat at Tejon Mountain Village

This species was not observed on site. There is a high potential for nesting and foraging on site due to the presence of suitable habitat and the range documented for this species. Approximately 3,200 acres of potentially suitable habitat are on the project site. Suitable habitat for this species is assumed to be suitable for foraging, movement, and breeding. Suitable habitat includes chaparral communities, including chaparral with other shrub and tree species as principal indicators. Suitable habitat for this species in southern California includes sloping ground in habitats composed of tall, moderately dense, mixed-species shrubs broken with rocky outcrops and scattered large shrubs or trees; preferred habitat is often chamise intermixed with manzanita, yucca, scrub oak, and ceanothus (Tenney 1997). This species is known to breed in arid brushlands on rugged mountain slopes from sea level to almost 2,500 meters (8,200 feet) (Tenney 1997).

Long-Term Impacts

Approximately 64% (2,037 acres) of suitable breeding and foraging habitat would be avoided in project open space. Approximately 1,332 acres, or 36%, of suitable habitat are within the development envelope (681 acres) and secondary impact area (fuel modification zone) (450 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within and near the suitable habitat of this species. Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-24, 4.4-26, 4.4-27, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to less than significant.
### Table 4.4-145. Long-Term Impacts to Cooper’s Hawk, Red-Tailed Hawk, Red-Shouldered Hawk, American Kestrel, Barn Owl, and Great-Horned Owl Nests

<table>
<thead>
<tr>
<th>Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooper’s hawk (<em>Accipiter cooperii</em>), red-tailed hawk (<em>Buteo jamaicensis</em>), red-shouldered hawk (<em>Buteo lineatus</em>), American kestrel (<em>Falco sparverius</em>), barn owl (<em>Tyto alba</em>), and great-horned owl (<em>Bubo virginianus</em>)</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

During surveys conducted in 2007 on the project site, four Cooper’s hawk nests, 50 red-tailed hawk nests, two red-shouldered hawk nests, one American kestrel nest, one barn owl nest, and nine great-horned owl nests were identified on site.

**Long-Term Impacts**

Long-term activities could occur within the suitable habitat of these species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; hydromodification from increased urban run-off and irrigated ornamental landscaping; increased traffic and vehicle collision risks; potential damage from human or domestic animal contact with special-status wildlife.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-14, 4.4-15, 4.4-18, 4.4-19, 4.4-20, 4.4-22, 4.4-26, 4.4-27, 4.4-29, and 4.4-32 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce potential impacts to less than significant.
Table 4.4-147. Long-Term Impacts to San Diego Black-Tailed Jackrabbit

<table>
<thead>
<tr>
<th>San Diego black-tailed jackrabbit</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Lepus californicus bennettii</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was observed on the north side of Castac Lake. Approximately five additional individuals were observed in a large patch of rubber rabbitbrush scrub on the southwest side of Castac Lake. The species is assumed to occur sitewide in suitable habitat. The San Diego subspecies of black-tailed jackrabbit on site has not been verified, but because this subspecies has been recorded for Mt. Pinos (Hall 1981), it is assumed that the project site falls within the species’ potential geographic range.

There are approximately 7,500 acres of potentially suitable habitat, which includes arid habitats with open ground, grasslands, coastal sage scrub, agriculture, disturbed areas, and rangelands. All suitable habitat is assumed to be occupied and used for foraging, movement, and breeding.

**Long-Term Impacts**

Approximately 55% (4,141 acres) of breeding and foraging habitat would be avoided in project open space and riparian Special Management Areas (11 through 121). Approximately 3,386 acres, or 45%, of suitable breeding and foraging habitat are within the development envelope (2,919 acres), offsite infrastructure areas (5 acres), and secondary impact area (fuel modification zone) (462 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-36, 4.4-37, and 4.4-39 would reduce potential impacts to less than significant.
Table 4.4-149. Long-Term Impacts to Pallid Bat

<table>
<thead>
<tr>
<th>Pallid bat</th>
<th>Status:</th>
<th>Occurrences and Suitable Habitat at Tejon Mountain Village</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Antrozous pallidus</em></td>
<td>Not threatened or endangered under FESA or CESA Federal: USFS sensitive; BLM sensitive (DFG 2008b) State: Species of Special Concern (DFG 2008b) Other: Western Bat Working Group Listing High (highest priority for funding, planning and conservation; high risk of imperilment)</td>
<td></td>
</tr>
</tbody>
</table>

Commonly detected during the acoustical surveys, this species is likely abundant and widespread throughout the project site. There are approximately 23,100 acres of potentially suitable habitat on site. There is overlap between suitable roosting and foraging habitat; suitable habitat is separated into habitat suitable for foraging only, which includes scrub, grasslands, marsh, and meadows and seeps (totaling 6,900 acres), and habitat suitable for both roosting and foraging, which includes cliffs and oak and coniferous woodlands (totaling 16,200 acres).

**Long-Term Impacts**

Approximately 3,760 acres, or 55%, of the suitable foraging-only habitat for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 3,067 acres, or 45%, of suitable foraging-only habitat are within the development envelope (2,681 acres), secondary impact area (fuel modification zone) (371 acres), and offsite infrastructure improvement area (15 acres), and development activities could result in **significant** long-term direct impacts in these areas. Approximately 10,910 acres, or 67%, of the suitable breeding and foraging habitat for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 5,308 acres, or 33%, of suitable breeding and foraging habitat would be within the development envelope (4,390 acres), secondary impact area (fuel modification zone) (916 acres), and offsite infrastructure improvement area (2 acres), and development activities could result in **significant** long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially **significant** long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-30 (which requires pre-construction surveys for active maternity roosts of special-status bats and a 300-foot setback during construction), 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce long-term impacts to **less than significant**.
Table 4.4-150. Long-Term Impacts to Spotted Bat

<table>
<thead>
<tr>
<th>Spotted bat</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Euderma maculatum</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: BLM sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other: Western Bat Working Group Listing High (highest priority for funding, planning and conservation; high risk of imperilment)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was recorded at one location on the project site on the southeastern edge of Castac Lake. There are approximately 21,000 acres of potentially suitable habitat. There is overlap between suitable roosting and foraging habitat; suitable habitat is separated into habitat suitable for foraging only, including various oak (e.g., blue oak, interior live oak, and valley oak) and conifer woodlands with cover less than 70% in areas that support standing water at some time of the year (totaling 20,100 acres), and habitat suitable for both roosting and foraging, including cliff and canyon live oak dominated woodlands with cover greater than 70% (totaling 920 acres).

**Long-Term Impacts**

Approximately 12,285 acres, or 61%, of the habitat suitable for foraging only for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 7,789 acres, or 39%, of suitable foraging-only habitat would be within the development envelope (6,627 acres), secondary impact area (fuel modification zone) (1,148 acres), and offsite infrastructure improvement area (14 acres), and development activities could result in significant long-term direct impacts in these areas. Approximately 848 acres, or 92%, of the habitat suitable for both breeding and foraging for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 71 acres, or 8%, of suitable breeding and foraging habitat would be within the development envelope (50 acres) and secondary impact area (fuel modification zone) (21 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-30 (which requires pre-construction surveys for active maternity roosts of special-status bats and a 300-foot setback during construction), 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce long-term impacts to less than significant.
Table 4.4-151. Long-Term Impacts to Townsend’s Big-Eared Bat

<table>
<thead>
<tr>
<th>Townsend’s big-eared bat</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Corynorhinus [Plecotus] townsendii</em></td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: USFS sensitive; BLM sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other: Western Bat Working Group Listing High (highest priority for funding, planning and conservation; high risk of imperilment)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was recorded only at Silver Canyon Meadow. There are approximately 26,300 acres of potentially suitable habitat on site. This species roosts and forages in the same habitats, which include scrub, chaparral, and oak and conifer woodlands; suitable roost sites include caves, mines, structures, and woodlands.

**Long-Term Impacts**

Approximately 16,801 acres, or 64%, of the suitable habitat for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 9,528 acres, or 36%, of suitable habitat would be within the development envelope (7,760 acres), secondary impact area (fuel modification zone) (1,751 acres), and offsite infrastructure improvement area (17 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-30 (which requires pre-construction surveys for active maternity roosts of special-status bats and a 300-foot setback during construction), 4.4-32, 4.4-36, 4.4-37, and 4.4-39 and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce long-term impacts to less than significant.
Table 4.4-152.  Long-Term Impacts to Western Mastiff Bat

<table>
<thead>
<tr>
<th>Western mastiff bat</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corynorhinus [Plecotus] townsendii</td>
<td>Not threatened or endangered under FESA or CESA</td>
</tr>
<tr>
<td></td>
<td>Other Federal: BLM sensitive (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other State: Species of Special Concern (DFG 2008b)</td>
</tr>
<tr>
<td></td>
<td>Other: Western Bat Working Group Listing High (highest priority for funding, planning and conservation; high risk of imperilment)</td>
</tr>
</tbody>
</table>

**Occurrences and Suitable Habitat at Tejon Mountain Village**

This species was not detected on the project site during the acoustic surveys. There are approximately 26,200 acres of potentially suitable habitat. This species roosts and forages in the same habitats, which include scrub, chaparral, oak and conifer woodlands, open habitats, meadows, lakes, wetlands, and grasslands; suitable roost sites typically include small colonies roosting in cracks and small holes. Roosts also often occur in man-made structures.

**Long-Term Impacts**

Approximately 16,733 acres, or 64%, of the suitable habitat for this species would be located within project open space areas and riparian Special Management Areas (11 through 121) and would be avoided. Approximately 9,508 acres, or 36%, of suitable habitat would be be within the development envelope (7,752 acres), secondary impact area (fuel modification zone) (1,737 acres), and offsite infrastructure improvement area (16 acres), and development activities could result in significant long-term direct impacts in these areas.

Long-term activities could occur within the suitable habitat of this species, and could also occur near suitable habitat that is within riparian Special Management Areas (11 through 121). Potentially significant long-term indirect impacts to this species could include potential chemical releases, such as pesticides and oil or grease from vehicles; development-related noise and lighting; an increase in the abundance of urban-related mesopredators; hydromodification from increased urban run-off and irrigated ornamental landscaping; introduction of non-native, invasive plant and animal species that may alter habitat for the species or may directly impact the species; potential damage from human or domestic animal contact with special-status wildlife; alteration of the existing fire regime and ongoing vegetation management to reduce fire risks; increased traffic and vehicle collision risks; increased trail usage; and the relocation of high power transmission lines and towers and installation and maintenance of other aboveground utilities to connect to the project’s underground utility systems.

Implementation of Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-26, 4.4-29, 4.4-30 (which requires pre-construction surveys for active maternity roosts of special-status bats and a 300-foot setback during construction), 4.4-33, 4.4-36, 4.4-37, 4.4-39, and mitigation measures that address impacts associated with hydromodification (see Section 4.8, “Hydrology and Water Quality”) would reduce long-term impacts to less than significant.

With regard to non-traffic noise sources, typical residential settings such as would occur in the Tejon Mountain Village Project area do not generate chronic or average noise levels above 60 dBA, although point source noise sources such as emergency vehicle sirens, loud motorcycles, and barking dogs will reach levels of 100 dBA for short periods of time. Because these noises tend to be short in duration and most will attenuate to less than 60 dBA before they reach most sensitive receptors, they would have less-than-significant impacts.

Long-term traffic noise impacts on special-status wildlife generated by the proposed Project would be limited to a small area along Lake Drive and along a private access road in the southern portion of the Project site (see Draft EIR Figure 4.11-5). In addition, development-related noise impacts will be reduced through the preservation of 21,336 acres of open space within the Tejon Mountain Village Project area.
Combined with preservation of lands on Tejon Ranch through the Ranchwide Agreement, a minimum of 165,000 acres will be preserved in open space. This large open space area will provide special-status wildlife with suitable habitat that is well separated from areas with potential development-related noise impacts, such as traffic and landscape maintenance equipment. Although the Draft EIR concludes that the proposed Project would contribute to cumulative noise effects generated by traffic on Interstate 5 because they already exceed an exterior ambient noise level set by the Kern County General Plan noise standards, this contribution to potential effects on wildlife is considered to be less than significant because these effects are limited to the Interstate 15 corridor, which, other than providing crossing points for wildlife, affects a very small proportion of the Project area important for wildlife, as shown in Figure 4.11-5.

Several mitigation measures also will be implemented that will generally reduce long-term noise impacts on special-status wildlife species that relate to design and siting of trails in open space areas and other restrictions on human activities that could generate noise impacts in and adjacent to open space. Mitigation Measure 4.4-11 requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to special-status wildlife species. Mitigation Measure 4.4-18 would provide education to the public on the special-status biological resources in Project open space, which would aid in avoiding and minimizing impacts associated with human and pet presence. Mitigation Measure 4.4-29 requires permanent fencing or trail closure along highly used pedestrian trails or trailheads located adjacent to development within 100 feet of special-status wildlife occurrences. As such, these mitigation measures will help reduce indirect noise impacts related to recreation (e.g., barking dogs).

As noted above, indirect impacts, including long-term noise impacts, on nesting golden eagles from recreational activities are still considered to be potentially significant. A specific mitigation measure will be implemented for the golden eagle that will avoid and minimize indirect impacts such as noise. Part “e” of Mitigation Measure 4.4-41 would limit trail use by the public during the breeding season (Draft EIR, page 4.4-138):

   e. Trail use will be restricted within 0.25 to 0.5 mile of the viewshed of an active golden eagle nest during the nesting season (February 1 through June 1). Trail use may be allowed during the nesting season if the Project Biologist or Project Conservation Manager has determined that the nest has become inactive and trail use would not affect a nesting golden eagle.

Response 26 G.

The comment letter from the Defenders of Wildlife states that they are concerned about the loss of oak woodland, riparian, and stream habitats.

In addition to conservation of 21,335 acres of open space, the Draft EIR includes a variety of mitigation measures that mitigate impacts to sensitive vegetation communities, including oak woodland, riparian, and stream habitats to a level below significant.

As described in Section 4.4, BIOLOGICAL RESOURCES, in Table 4.4-157, short-term impacts to sensitive riparian and bottomland habitat, riparian habitat regulated under Section 1602 of the Fish and Game Code, and sensitive broad-leafed upland tree dominated communities, which include sensitive oak woodlands, are reduced to less than significant by Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-23, 4.4-31, 4.4-32, 4.4-39, and 4.4-47. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, for the full text of the mitigation measures and Section 7.2, REVISIONS TO THE
PROJECT DRAFT EIR, for appropriate text clarification, if revisions to these measures were made. These measures are summarized below.

Mitigation Measure 4.4-8 requires pre-construction educational meetings, construction-limit staking, and biological monitoring during vegetation clearing and grading activities.

Mitigation Measure 4.4-9 requires construction plans to include Project design features, construction notes, erosion and dust controls, and the implementation of a stormwater pollution prevention plan that includes BMPs to protect adjacent habitats and sensitive vegetation communities during construction.

Implementation of Mitigation Measure 4.4-10 would avoid and minimize potential indirect short-term dust and fine particulate-related impacts to sensitive vegetation communities to below a level of significance by specifically requiring dust management plans to be in compliance with San Joaquin Air Pollution Control District Regulation VIII.

Mitigation Measure 4.4-12 would require that the Project open space is legally protected by an easement or deed restriction, which would cover approximately 21,335 acres of Project open space. The Project open space conserves approximately 68% of the riparian and bottomland habitat, 92% of the non-vegetated streambeds and riparian habitat under the jurisdiction of DFG, and 62% of the sensitive broad-leaved upland tree dominated communities on the Project site.

Mitigation Measure 4.4-15 would require compliance with Regional Water Quality Control Board regulations, which would address the potential effects of pollutants and alterations of hydrology on these vegetation communities.

4.4-23 includes Special Management Areas that have been established that require either avoidance or performance measures to avoid or minimize impacts to biological resources. The Project open space and Special Management Areas avoid approximately 68% of the riparian and bottomland habitat, 92% of the non-vegetated streambeds and riparian habitat under the jurisdiction of DFG, and 62% of the sensitive broad-leaved upland tree-dominated communities on the Project site.

Mitigation Measure 4.4-31 manages future grazing activities to avoid significant impacts to sensitive biological resources, including sensitive vegetation communities.

Mitigation Measure 4.4-32 includes pre-construction diversion of all stream flows and measures that protect aquatic species and prevent mud and pollutants from entering streams and storm flows. This would reduce impacts from hydrological modifications and chemical releases.

Mitigation Measure 4.4-39 restores areas disturbed by utility installations to pre-construction habitat types.

Mitigation Measure 4.4-47 requires habitat creation, restoration, enhancement, and/or preservation of wetlands/waters and riparian habitat at a minimum of 1:1 for USACE- and DFG-jurisdictional areas.

As described in Section 4.4, BIOLOGICAL RESOURCES, in Table 4.4-162, short-term impacts to oak resources are reduced to less than significant by Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-31, 4.4-39, and 4.4-55. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, for the full text of the mitigation measures and Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification, if revisions to these measures were made. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-31, 4.4-39, 4.4-32, and 4.4-39 are summarized above. Mitigation Measures 4.4-55
minimizes impacts on oak resources by requiring coordination between the developer and Project Biologist during construction to avoid inadvertent impacts on oaks.

As described in Section 4.4, BIOLOGICAL RESOURCES, in Table 4.4-157, long-term impacts to sensitive riparian and bottomland habitat, riparian habitat regulated under Section 1602 of the Fish and Game Code, and sensitive broad-leafed upland tree dominated communities, which include sensitive oak woodlands, are reduced to less than significant by Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-23, 4.4-31, 4.4-32, 4.4-37, 4.4-39, 4.4-47, and mitigation in Section 4.8, HYDROLOGY AND WATER QUALITY. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, for the full text of the mitigation measures and Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification, if revisions to these measures were made. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-12, 4.4-15, 4.4-23, 4.4-31, 4.4-32, 4.4-39, and 4.4-47 are summarized above. The remaining mitigation measures are summarized below.

Mitigation Measure 4.4-11 requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to sensitive vegetation communities.

Mitigation Measure 4.4-13 requires implementation of a resource management plan that specifically identifies required resource management activities and the entities that would be responsible for managing those activities within each planning area.

Mitigation Measure 4.4-14 would require implementation of an integrated pest management plan, which would avoid and minimize impacts of pesticide products on adjacent Project open space.

Implementation of Mitigation Measure 4.4-16 would avoid and minimize the potential effects of plant species infestations in Project open space through the use of native and non-native, non-invasive species that do not require high irrigation rates in adjacent landscaped areas.

Implementation of Mitigation Measure 4.4-17 would avoid and minimize the potential effects of pets through imposing leash-only areas and through the control of stray and feral animals, which would reduce trampling of vegetation in open space.

Mitigation Measure 4.4-18 would provide education to the public on the special-status biological resources, including sensitive vegetation communities, in the Project open space, which would aid in avoiding and minimizing impacts associated with vegetation trampling.

Mitigation Measure 4.4-19 specifically limits the allowable uses of the Project open space areas, which would avoid and minimize a range of potential long-term impacts to sensitive vegetation communities.

Mitigation Measure 4.4-20 requires a golf course maintenance plan, which would avoid and minimize the potential effects of the golf course on water quality.

Mitigation Measure 4.4-21 requires the preparation and implementation of a Fire Protection Plan, which would reduce the potential of a fire in the development area from spreading into the open space areas.

Mitigation Measure 4.4-37 places limitations on food sources for horses to prevent the spread and establishment of non-native plant species into open space.
Section 4.8, HYDROLOGY AND WATER QUALITY, mitigation measures avoid and minimize potential impacts to resources associated with hydromodification.

As described in Section 4.4, BIOLOGICAL RESOURCES, in Table 4.4-162, long-term impacts to oak resources are reduced to less than significant by Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-31, 4.4-37, 4.4-39, 4.4-48 through 4.4-56, and mitigation in Section 4.8, HYDROLOGY AND WATER QUALITY. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, for the full text of the mitigation measures and Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification, if revisions to these measures were made. Mitigation Measures 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-31, 4.4-37, 4.4-39, and mitigation in Section 4.8, HYDROLOGY AND WATER QUALITY, are summarized above. Mitigation measures 4.4-48 through 4.4-56 would preserve, restore, and enhance oak resources and provide systems to monitor oak habitat over time.

Response 26 H.

This comment addresses the importance of portions of Tejon Ranch (Ranch) for condor survival and recovery as evidenced by the designation of critical habitat in 1976 for this species within the Ranch.

It is important to note that the current condor recovery program includes three other locations (central California, Baja California and Arizona) in addition to the southern California region that includes Tejon Ranch. Please refer to Global Response 7.5.3. Recovery efforts in a fourth location are also likely to be implemented in northern California. Condors never nested on Tejon Ranch and suitable nesting habitat does not occur within the Ranch; a number of active condor nests occur in the Sespe Wilderness Area in Ventura County, but the majority of active nests currently occur further to the north in central California. As a result, active condor survival and recovery efforts exist in parts of north America that do not rely solely on Tejon Ranch. The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6), included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Draft EIR and CCP also address and consider the designation of approximately 131,947 acres of Tejon Ranch and 605,190 acres in California as condor critical habitat. As discussed in Draft EIR Section 4.4, approximately 4,800 acres of the proposed Project’s 7,867-acre development envelope is within designated condor critical habitat on the Ranch. As discussed in Section 3 of the DRAFT EIR, at full build out approximately 5,082 acres of the 7,867-acre development envelope would be subject to development. As discussed in the Draft EIR and CCP, the development envelope was significantly revised in response to recommendations provided by the condor experts consulted by the Project to further avoid high-value condor foraging habitat and uplift areas. Assuming that all of the development envelope within designated condor critical habitat is developed, the Project would impact approximately 3.6% of the critical habitat designated within Tejon Ranch and 0.79% of the total designated condor critical habitat in California.

Tejon Ranch does not contain any condor nesting sites. Approximately 37,099 acres of the Ranch encompassing the Tunis-Winters Ridge area has historically been used by condors for foraging and roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the U.S. Fish and Wildlife Service (USFWS) and lies outside of the Project area. As discussed in Draft EIR Section 3, in 2008 the Tejon Ranch Company (TRC) entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly
formed nonprofit Tejon Ranch Conservancy (Conservancy). The Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. In addition, the Project and the Ranchwide Agreement would result in the implementation of one of the most enforceable and extensive lead ammunition bans within the condor’s natural range, will generate significant funding for GPS monitoring technology, and will implement a variety of measures to contribute to the ongoing conservation and recovery of the species. As discussed in the Draft EIR and CCP, as a result of these measures and the permanent protection and preservation of approximately 240,000 acres of the Ranch, the proposed Project will not significantly impact the condor or designated condor critical habitat and will maintain or enhance the value of the Ranch for the conservation of the species. It should be noted that predator kills were the principal food of condors in this area prior to the initiation of ranching and farming with the advent of European settlers in the region. Predator kills have been relatively infrequent since farming and ranching became widespread in the condor’s range. As a result, condor survival over the past two hundred years has become much more dependent on animal carcasses produced by human ranching and hunting activities, including within Tejon Ranch. Hunting and ranching within Tejon Ranch and the Project site will continue after full build-out, thereby maintaining the pattern of ranch- and hunting-related food supplies that has been critical to supporting California condors throughout their range. These activities would be specifically managed to benefit condors in the future rather than incidental to other human activities in the Ranch. The placement of carcasses to the north and northeast of the Project development envelope within other locations of Tejon Ranch will likely reduce condor perching, feeding and other occurrences near the Project because condors will tend to cluster near available food sources.

Response 26 I.

This comment addresses the inquisitive nature of condors, suggests condors are attracted to “dispersed housing” and “recreation sites,” and contends that such attraction “behaviorally comprises” the ability of condors to survive in the wild.

The Draft EIR and the CCP recognize that condors are naturally inquisitive, a behavioral asset for a species that must continually look for food, frequently under new and changing conditions. There is no evidence, however, that “dispersed housing” or “recreational sites” by themselves compromise condor behavior. Since the last condor was removed from the wild in 1987, and captive-bred condors were subsequently released, condor interactions with humans have largely been related to: (a) the availability of food; and (b) captive-bred condor training and release techniques, which have since been refined to address potentially inappropriate behaviors (see discussion on pages 19 and 20 of the CCP). Scientific studies over the last three decades have shown that the availability of food sources is most important for the condor. They will be drawn to human activity areas if food is potentially available. If food is not available, research has not demonstrated that mature adults, or immature birds in the presence of mature adults, will linger in an activity area. As discussed in the Draft EIR and CCP, condor observation data collected by the USFWS since the 1970s, and extensive field observations since 2007 by condor
specialists on Tejon Ranch, show that it is the availability and location of animal carcasses and remains that largely determines where condors forage for food within the Southern California portion of their range, including Tejon Ranch. The dispersion of condor GPS data over the past 8 years, and previous data derived from visual and VHF transmitter observations, has shown that the vast majority of documented condor activity away from the nesting areas occurred at or near USFWS feeding stations (Hopper NWR and Bitter Creek NWR) and at other locations where carcasses were located, including within the Ranch (CCP pages 25 through 29, and Figure 2), or in transit to these areas.

There are thousands of “dispersed” homes and recreational sites located throughout the condor’s current range in southern and central California, Arizona and Baja California. If such homes and sites intrinsically compromise condor behavior, the release programs that have been implemented in these areas, and that have resulted in the reintroduction of more than 300 condors into the wild, would have failed long ago. All of the condors that have been released in Southern California, in the central coast, in northern Arizona and in Baja California have experienced frequent interaction with humans as a result of regular and ongoing capture associated with captive breeding, aversion training, transmitter replacement, and with monitoring and health-related interventions, such as capturing condors for routine testing of blood for lead determinations as well as condors that exhibit lead poisoning symptoms for blood chelation. Such interventions can influence the propensity of condors to interact with humans and human structures. However, as discussed in the CCP on page 20, captive husbandry and aversion techniques have been introduced into the condor program that minimize adverse human- and structure-related behavior. In particular, older, experienced mentor birds are routinely assigned to young condors not raised by their parents. Condors that have been subject to these techniques and modified aversion training are less inclined to land on power poles, homes, buildings, and other artificial structures.

The only published report characterizing condor/human interactions since all remaining wild condors were brought into captivity was published in 2004 (Code 2004) (the “Cade study”). The Cade study analyzed condor/human interactions at the South Rim of Grand Canyon National Park and at the Navajo Bridge across the Colorado River. The study identified three distinct types of human/condor interactions: (1) Type I behaviors, such as landing or conducting investigative fly-bys no closer than 15 meters from humans, occasionally investigating manmade objects, and perching on manmade structures that resemble natural objects or provide safe vantage points; (2) Type II behaviors, such as landing or flying closer than 15 meters to humans but maintaining an “individual distance” when approaching or being approached by humans, circumventing humans when investigating their belongings, allowing close human approach only when a clear escape path is present, and fleeing when hazed; and (3) Type III behaviors, such as allowing close human approach when no escape route is present, seeking out and initiating contact with humans, allowing touching and handling, not responding to hazing, and generally showing no fear of humans. The Cade study indicated that Type I and Type II behaviors are acceptable, normal activities associated with exploratory and play-type activities characteristic of California condors. The study characterized Type III behaviors as unacceptable, non-normal, and aberrant condor activities. The study found that younger birds exhibiting Type II or III behavior traits tend to naturally revert to Type I behaviors as they mature, especially when they became reproductively active. The study also found that birds exhibiting Type III behaviors could be induced to adopt Type I or Type II behaviors with certain training techniques and that modifications to captive breeding and release methods were introducing more birds into the wild population with Type I behavior traits. As a result, the evidence indicates that controlling food sources and improving condor breeding and release techniques determines whether human contact becomes associated with adverse behaviors. The Cade study indicates that post-1987 condors will tend to adopt acceptable behaviors as they mature, or that affected condors can be trained to adopt acceptable behaviors.
As discussed in the Draft EIR (pages 4.4-119 and 120) and CCP (pages 65-67), the proposed Project will implement educational, trash control, and other management measures to ensure that food sources or microtrash around or near human structures and recreational sites, as well as food sources or microtrash associated with various human activities, that might attract condors are avoided. As a result, Project structure or recreational sites will not significantly impact or compromise condor behavior. As discussed in the Draft EIR at 4.4-95 and the CCP at 20, recent changes in aversion training techniques in captive-reared condors have substantially reduced the likelihood that unacceptable condor habituation to humans or human structures may occur. Nevertheless, the USFWS has determined that condors that become attracted to human activity and structures, that are not deterred as a result of previous aversion training received while in captivity, and that are not discouraged by deterrence efforts after becoming habituated to human structures or activities, may need to be captured and relocated, undergo additional aversion training and be re-released, or be permanently removed from the wild. This potential need for USFWS to capture and relocate a habituated condor could constitute a non-lethal take if such habituation is determined to be caused by Project development and require a permit under federal law. TRC is applying for an incidental take permit under the federal Endangered Species Act that would allow for up to four non-lethal captures of a condor by the USFWS to address habituation over a 50-year period. The permit would cover the proposed Project.

Response 26 J.

This comment states that “allowing development on Tejon Ranch may seriously diminish the value of the Ranch’s condor critical habitat” for the “long-term conservation of the species.”

The contention that development on Tejon Ranch must be avoided to protect the condor and designated condor critical habitat is inconsistent with applicable law and prior assessments of the value of the Ranch for the condor, including at least one source cited in Comment Letter 48 in comment A2. As discussed in the CCP, published USFWS documents state that a “critical habitat designation does not necessarily restrict further development. It is a reminder to federal agencies that they must make special efforts to protect the important characteristics of these areas” CCP at 46. The USFWS rule establishing condor critical habitat in 1976 states that, “There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of wilderness area or wildlife refuge and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to federal agencies, and is a notification to such agencies that their responsibilities pursuant to Section 7 of the Act are applicable in a certain area.” CCP at 47. Comment 26-A2 excerpts a portion of a November 10, 1971 letter drafted by a USFWS biologist that managed the condor recovery team from approximately 1969 to 1979. As discussed in Response 26-A2, a portion of the letter that was not excerpted states that “Some development of Tejon Ranch seems inevitable and the condor can probably live with considerable change if it is done in certain ways and restricted to certain areas. For instance, in the area southeast of a line drawn from Castac Lake to White Oaks Lodge, probably any development possible would have little adverse effect on condors.” The area that the 1971 letter states “…would have little adverse effect on condors” includes at least 30%, or more than 3,000 acres of the proposed Project development envelope. Consequently, the fact that at least some level of development within the Ranch would not affect condor conservation efforts has been explicitly recognized from the inception of the modern condor recovery and management effort. In addition, scientific data that has been developed since 1976, when condor critical habitat was designated, has shown that condor reactions to disturbance and feeding behavior are far more adaptable than biologists believed during the 1970s.

The Draft EIR and CCP analyze the Project’s potential impact to condor critical habitat and demonstrate that due to: (a) the preservation of approximately 240,000 acres of the Ranch as undeveloped open space, including all of the historical condor roosting locations and upland areas most heavily used for foraging
by condors; (b) the avoidance of higher elevation and high-quality condor foraging habitat within the Project area; (c) implementation and enforcement of a strict no-lead ammunition ban within the Ranch; (d) the continuation of ranching and hunting within the Project area and throughout the Ranch which provide essential, dispersed food sources for the condor; (e) support for ongoing USFWS condor GPS monitoring efforts; (f) funding for a full-time, permanent biologist (see Mitigation Measure 4.4-6); and (g) the provision of additional supplemental feeding stations on the Ranch, should the USFWS implement such programs within the Ranch, no adverse modification to critical habitat will occur and the Project will not adversely affect the long-term conservation of the species. By increasing the food supply, the Project would increase the value of condor habitat and enhance the “long-term conservation” of the species.

Response 26 K.

This comment states that the Project “cuts through the heart of historic and contemporary” condor habitat.

There are no historical or current condor nesting locations within Tejon Ranch. As discussed in Response 26-H, the Project, in conjunction with the Ranchwide Agreement, will permanently avoid and preserve all of the historical roosting areas within the Ranch, including the CSA. In contrast with condor nesting and historical roosting areas, condor foraging areas are dependent on specific geographical areas only in association with food source availability. The GPS data point analyses considered in the Draft EIR and the CCP (see the Draft EIR at 4.4-90 through 96; CCP at 25-36 and 38-40, Figures 2-5) show that condors have been traversing to and using the feeding stations established by USFWS to a much greater extent than Tejon Ranch. The hunting and ranching programs associated with the proposed Project will increase the availability of clean food sources and would increase condor use of the Ranch for foraging and feeding. The Project, and the Ranchwide Agreement, will ensure that carcasses related to hunting, grazing and, if implemented, USFWS supplemental food programs will be maintained throughout the permanently preserved open space on the Ranch. Based on observation of condor behavior on the Ranch and in the Southern California range of this species, condors will readily move to locations where food occurs. As a result, the Project and the Ranchwide Agreement will preserve hundreds of thousands of the highest-value and most heavily used condor foraging habitat and all of the traditional roost sites and thus avoid and preserve “the heart” of condor habitat on the Ranch.

Response 26 L.

This comment summarizes the Project’s proposed development activities.

The comment accurately restates the Project’s proposed development activities as summarized in the Draft EIR at 1.1.

Response 26 M.

This comment suggests that Project development will negatively affect condor behavior and would result in condor “take” under the federal Endangered Species Act.

The comment is conclusory and does not include or cite supporting information or evidence. As discussed in Response 26-I, the Project will not significantly impact or negatively affect condor behavior. As discussed in the Draft EIR at 4.4-95 and the CCP at 20, recent changes in aversion- training techniques in captive-reared condors have substantially reduced the likelihood that habituation due to the Project may occur. Nevertheless, the USFWS has determined that condors that become attracted to human activity and structures, that are not deterred as a result of previous aversion training received while in captivity, and that are not discouraged by deterrence efforts after becoming habituated to human structures or activities, may need to be captured and relocated, undergo additional aversion training, and be re-released, or be
permanently removed from the wild. This potential need for USFWS to capture and relocate a habituated condor could constitute a non-lethal take if such habituation is determined to be caused by Project development and require a permit under federal law. TRC is applying for an incidental take permit under the federal Endangered Species Act that would allow for up to four nonlethal captures of a condor by the USFWS to address habituation over a 50-year period.

Response 26 N.

This comment excerpts a portion of the Draft EIR at 4.4-94.

The comment accurately reproduces the Draft EIR discussion of potential impacts to the condor. It should be noted that the subsequent Draft EIR discussion, and the CCP, demonstrate that the identified potential impacts will be avoided or mitigated to less than significant levels.

Response 26 O.

This comment requests clarification of Mitigation Measure 4.4-3.

“Other potential direct interactions” as referenced in Mitigation Measure 4.4-3 include: intentional or inadvertent human harassment of condors feeding on carcasses or roosting in trees or on rock outcrops; intentional or inadvertent dog or other pet harassment of condors feeding on carcasses or roosting in trees or on rock outcrops; bird watchers and disturbances at or near condor feeding or roost sites due to noise, nighttime lighting, or other activities associated with human activities in the open space portions of the Project site and adjacent portions of the Ranch, such as film production, passive recreation, occupancy of backcountry cabins, and staged recreational events. As stated in Mitigation Measure 4.4-3, the educational program will be focused on all Project area construction and work crews, residents, and guests, particularly those engaging in recreational activities such as hiking that could put them in close proximity to ridgelines and other areas that provide uplifts and higher quality foraging habitat. Microtrash programs include the identification of microtrash sources within the Project site, the identification and implementation of measures to prevent microtrash disposal, daily cleanup of construction sites, and weekly cleanup of other locations as required throughout the Project (see also Mitigation Measure 4.4-4(b) and Response 26-Q). Compliance with Mitigation Measure 4.4-3 will be required by the terms of the covenants, conditions, and restrictions (CC&Rs) or similar provisions recorded on each of the private parcels within the Project area. Compliance will also be monitored and enforced by the onsite Conservation Managers that will be maintained by the Project’s Property Owners Association and the Conservancy.

Response 26 P.

This comment requests clarification of Mitigation Measure 4.4-4(a).

The educational program will be focused on all Tejon Mountain Village construction and work crews, residents, and guests, particularly those engaging in recreational activities such as hiking that could put them in close proximity to ridgelines and other areas that provide higher quality foraging habitat. As stated in Mitigation Measure 4.4-4(a), compliance with the educational program and other condor protection measures will be implemented by means of CC&Rs recorded on each of the private parcels within the Project area or by similarly enforceable measures. Compliance will also be monitored and enforced by the onsite Conservation Managers that will be maintained by the Project’s Property Owners Association and the Conservancy.
Response 26 Q.

This comment requests clarification of Mitigation Measure 4.4-4(b).

Mitigation Measure 4.4-4(b) provides that the Project will implement routine community maintenance activities that will include regular efforts to eliminate microtrash on and near all roads and back-country areas where human presence has occurred. These requirements will be implemented daily for construction sites and on a weekly basis for other locations.

Response 26 R.

This comment excerpts certain portions of Mitigation Measure 4.4-5(b).

The excerpt accurately summarizes the text of Mitigation Measure 4.4-4(b). The correct page cite for the excerpt is Draft EIR at 4.4-121.

Response 26 S.

This comment states that no wind turbines should be built on Ranch lands.

Mitigation Measure 4.4-5(b) and CCP at 69 recognizes that raptors, including the California condor, may collide with wind turbines using current technology unless technologies are developed in the future that eliminate threats to the condor, as confirmed by the USFWS. As a result, no wind farms or wind turbines will be constructed within the Project, and the Tejon Ranch Company has agreed to the extend this ban to other Ranch lands. It is possible that, in the future, wind turbine technologies may be developed that eliminate collision threats and that could be used within the Ranch or the Project area to reduce emissions of greenhouse gases associated with climate change. Mitigation Measure 4.4-5(b) provides that onsite electrical generation turbines could be utilized only in the after review and approval by the USFWS and after the USFWS confirmed that the design and location of any such turbines would not pose a threat to the condor. Mitigation Measure 4.4-5(b) therefore allows for the potential use of onsite wind turbines to address crucial climate change concerns, but only if technologies are developed in the future that eliminate threats to the condor.

Response 26 T.

This comment states that “all” condor flyover and foraging habitat should be conserved in the Project area because the condor “remains a highly endangered species.”

It should be noted that, in comparison with conditions 20 years ago, the status of the condor has markedly improved. By the late 1980s, less than 30 condors were still alive. The remaining birds were brought into captivity by 1987 for captive breeding purposes in an effort to save the species from extinction. At present, there are four separate breeding facilities in operation and maximum genetic condor diversity is maintained at three of these locations. Absent an event that simultaneously destroyed the current breeding and release program locations, and in marked contrast with the situation just two decades ago, there is little danger at present of the species becoming extinct. It should also be noted that, as discussed in Responses 26-H and 26-I, the concept of condor “foraging habitat” must be understood in the historical context of the fact that, since the period of European settlement in the condor’s range, human hunting and ranching activities, not the distribution of “natural” predator kills determine where condors forage and feed. This fact has been recognized since the inception of the condor recovery program, when condor capture and captive breeding advocates were heavily criticized for interfering with the condor’s “natural” behavior. As Noel Snyder, the head of the 1980-1985 condor team noted in response to such concerns,
“The condor has come to be a symbol….It came to symbolize wilderness even though it’s out there feeding on ranchlands. It’s given them a mystical status. But boy there’s a real problem trying to manage a symbol. It’s like trying to manage smoke rings” (Bergman 2003 at 74). Food supplies generated by human hunting and ranching activities have determined for decades how and when condors forage within their range. As discussed in Response 26-H, the Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). The initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. The proposed Project would result in the development of at most 3.6% of the designated condor critical habitat within the Ranch, nearly all of which consists of lower value condor habitat that will not affect the overall foraging value of the Project site or the remainder of the Ranch to the condor.

As discussed in Responses 26-J and 26-A2, the notion that the conservation of the condor would be adversely affected by the failure to preserve “all” Project areas subject to any form of condor use is not consistent with the history and science of condor management and is contradicted by the letter cited in comment A2, which states that “probably any development possible” in a portion of the Ranch that includes at least 30%, or more than 3,000 acres, of the Project development envelope “would have little adverse effect on condors.” The author of the letter led the condor recovery team during approximately 1969-1979 and the letter was drafted in support of an unsuccessful effort to induce the USFWS or other public agencies to purchase land for a condor sanctuary within Tejon Ranch (see Responses 26-E through 26-E2). It should be noted that the biologist’s successor in the condor recovery team, who served in that capacity during approximately 1980-1985, has repeatedly criticized efforts to preserve condor habitat at the expense of other conservation measures that he believes are much more important, such as eliminating risks of lead poisoning (“For decades, a central operating assumption for condor conservation was that the species was threatened importantly by habitat loss and human disturbance of nesting areas and that the key to its conservation lay in habitat preservation and isolating the species as much as possible from direct contact with humanity. However habitat loss and disturbance of nesting areas turned out to be only minor factors in the condor’s decline. The major factor was excessive mortality, especially from poisoning. This remained largely unaddressed…..The major threat of lead poisoning was only confirmed as the wild population was about to disappear, and unfortunately it was not a threat that could be easily or quickly reversed” (Snyder 2000 at 370); “We do not want to be misinterpreted as standing against habitat conservation efforts for the condor. We are as eager as anyone for the continuation of the preserves that have been set aside and for the creation of new condor preserves, both on foraging and nesting grounds. But we stand emphatically against any overall conservation strategy for the species that fails to focus mainly on ameliorating the major stress factors that have caused its endangerment. Unfortunately, many of the efforts to create preserves for the condor, from the earlier efforts for a Sespe Sanctuary, to more recent efforts for a Sespe-Frazier Wilderness and for acquisition of Hudson Ranch have had side effects that have worked against other aspects of the species conservation. In part, they have proved to be a detrimental diversion from the task of addressing more crucial conservation threats.” (Snyder 2000 at 370)). Both the 1971 letter cited in comment A2 and the analysis of condor conservation made by the subsequent, 1980s-era condor recovery team leader show that: (a) individuals that have been committed to condor conservation, and that have specifically sought the creation of a condor sanctuary within Tejon Ranch have not advocated preservation of “all” condor use areas within Tejon Ranch or within the
proposed Project development envelope; and (b) there has been and remains considerable debate and concern over the value of pursuing habitat in lieu of an overall strategy for condor conservation, including habitat preservation, that is based on the most current scientific evidence. The Draft EIR and CCP reflect over 38 years of subsequent condor studies and management experience since the 1971 letter was drafted and evaluate the Project’s potential impacts considering the need for habitat preservation and other crucial measures, such as lead ammunition control and condor monitoring in the wild. The Draft EIR and CCP analysis shows that the Project, in conjunction with the Ranchwide Agreement, will: (a) preserve approximately 240,000 acres of the Ranch as undeveloped open space, including all of the historical roosting locations and upland areas most heavily used for foraging by condors; (b) avoid higher elevation and high-quality condor foraging habitat within the Project area; (c) implement and enforce a strict no-lead ammunition ban within the Ranch; (d) continue ranching and hunting within the Project area and throughout the Ranch, which provide dispersed food sources for the condor; (e) support the USFWS condor GPS monitoring efforts; (f) funding for a full-time, permanent biologist (see Mitigation Measure 4.4-6); and (g) support supplemental feeding stations, should the USFWS implement such programs within the Ranch. Collectively, these efforts avoid significant impacts to, and generate benefits for the condor.

Response 26 U.

This comment suggests that “the greatest possible effort” should be made to preserve areas utilized or important to the species.

As noted in Response 26-T, the Project, in conjunction with the Ranchwide Agreement, will: (a) preserve approximately 240,000 acres of the Ranch as undeveloped open space, including all of the historical roosting locations and upland areas most heavily used for foraging; (b) avoid higher elevation and high-quality foraging habitat within the Project area; (c) implement and enforce a strict no-lead ban within the Ranch; (d) continue ranching and hunting within the Project area and throughout the Ranch, which provide essential and dispersed food sources for the condor; (e) support the ongoing USFWS condor GPS monitoring efforts; (f) funding for a full-time, permanent biologist (see Mitigation Measure 4.4-6); and (g) provide additional supplemental feeding stations, should the USFWS implement such programs within the Ranch. These measures represent an unprecedented level of protection and support for the condor that is feasible, in part, through the implementation of the Project. As noted in Response 26-T and in the Draft EIR and CCP, these efforts avoid significant impacts to, and generate benefits for, the condor.

Response 26 V.

This comment suggests that feeding programs are the “proposed mitigation” for the “urban” impacts of the Project.

As discussed in Draft EIR Section 4.12, at full buildout, and assuming full-time residential occupancy of each Project dwelling unit, the Project could generate a population of approximately 10,671 people. A development of this magnitude does not meet any of the criteria for an “urbanized area” included in California Public Resources Code Section 21071, and the Project is not an “urban” community under CEQA. Mitigation for the Project’s potential impacts to the condor includes, but is not limited to, Mitigation Measure 4.4-6 which provides for supplemental condor feeding at two feeding sites identified with the concurrence of the USFWS. Other mitigation measures for the condor include Mitigation Measures 4.4-1, 4.4-3, 4.4-4, 4.4-5, 4.4-7, 4.4-26 and 4.4-36 (see Draft EIR at 4.4-94 through 4.4-96).
Response 26 W.

This comment suggests that condor feeding programs can increase microtrash ingestion and affect “natural” foraging behavior.

The comment is conclusory and does not include or cite supporting information or evidence. Every current California condor recovery program, including the ones in Southern California, the central coast, Arizona, and Baja California, includes a food subsidy program that provides clean (non-lead tainted) carcasses for condor consumption. Under current and reasonably foreseeable future conditions, released condors would almost certainly die in the wild in the event supplemental feeding programs were discontinued due to lead ingestion from carcasses killed with lead ammunition and the need to rapidly capture condors at feeding sites for emergency medical assistance. As discussed in the Draft EIR at 4.4-89 and the CCP at 14 and 19, lead poisoning due to ingestion of hunter-killed game with lead ammunition is thought to be the leading cause of mortality that resulted in the recent decline of the California condor. Condor biologists generally agree that without the supplemental feeding programs, which may have provided up to 90% or more of the diet of released condors, mortalities from lead poisoning would have been much higher until the ban on the use of lead ammunition within the areas of condor reintroductions in California was implemented. CCP at 14. The theory that food subsidies increase microtrash ingestion is based on the argument that condors receiving subsidized food become “lazy” because they do not need to more actively forage and are more likely to ingest pieces of trash. See, e.g., Mee 2007. This conjecture has not yet been proven and appears to be contradicted in part by evidence that condors in the Arizona and central coast release programs, both of which provide food subsidies, have foraged over several hundred miles from the feeding sites. See, e.g., Arizona Condor Team 2002 at 13-14 and Figure 5. The propensity of condors to forage over areas that do not include subsidized food sources has been a major concern of condor recovery efforts since at least the 1980s because condors are more likely to ingest lead from carcasses found “naturally” by condors rather than subsidized carcasses. See, e.g., Snyder 2005 at 213 and 222. As discussed in Responses 26-H, 26-I and 26-T, it should be noted that the concept of “natural” foraging behavior is difficult to define due to the facts that: (a) for centuries, condors have occurred in conjunction with human food sources, including feeding and residing around the edge of native American villages; and (b) almost all nonsubsidized condor feeding has involved food sources directly generated by human activity, including hunting or grazing since significant European settlement within the condor’s range. As a result of these considerations, several scientists have questioned whether the concept of recovery must be modified in case of certain species, including the condor, that may require permanent human assistance to survive. See, e.g., Scott 2005. Mitigation Measure 4.4-6 would provide funding for supplemental feeding programs on Tejon Ranch only upon the approval of the USFWS. If such programs are determined to be harmful to the species, and if the proliferation of non-lead impacted carcasses throughout the condors’ range eliminates the need to supply clean food and to capture and treat condors at centralized monitoring sites, then such feeding efforts will not be necessary. Consequently, the Project’s support for feeding programs will not adversely impact condor behavior and should enhance the potential for a more rapid condor recovery.

Response 26 X.

This comment suggests that the two supplemental feeding stations provided for in Mitigation Measure 4.4-6 could increase overflights of the Project and exacerbate problems with “natural” foraging behavior and increase habituation risks.

As discussed in Response 26-W, Mitigation Measure 4.4-6 would provide funding for supplemental feeding stations on Tejon Ranch only upon the approval of the USFWS. If such programs are determined to be harmful to the species, and if the proliferation of non-lead impacted carcasses throughout the
condors’ range eliminates the need to supply clean food and to capture and treat condors at centralized monitoring sites, then such feeding efforts will not be necessary. Consequently, the Project’s support for feeding programs will not adversely impact condor behavior. As discussed in Responses 26-M and 26-N, recent changes in aversion-training techniques in captive-reared condors have substantially reduced the likelihood that habituation may occur as a result of the Project. Nevertheless, the USFWS has determined that condors that become attracted to human activity and structures, that are not deterred as a result of previous aversion training received while in captivity, and that are not discouraged by deterrence efforts after becoming habituated to human structures or activities, may need to be captured and relocated, undergo additional aversion training, and be re-released, or be permanently removed from the wild. This potential need for USFWS to capture and relocate a habituated condor could constitute a non-lethal take if such habituation is determined to be caused by Project development and require a permit under federal law. TRC is applying an incidental take permit under the federal Endangered Species Act that would allow for up to four nonlethal captures of a condor by the USFWS to address habituation over a 50-year period. The permit would cover the proposed Project.

Response 26 Y.

This comment suggests that several 1970s-era USFWS and California Department of Fish and Game “sample statements” show that Tejon Ranch is important to the recovery of the condor.

As discussed in Response 26-H, the Draft EIR and CCP recognize the importance of Tejon Ranch for condor conservation. The Project, in conjunction with the Ranchwide Agreement, will result in the preservation of approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high-quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). In addition the Project and Ranchwide Agreement will: (a) support the implementation and enforcement of a strict no-lead ammunition ban within the Ranch; (b) continue ranching and hunting within the Project area and throughout the Ranch, which provides essential, dispersed, and non-lead tainted food sources for the condor; (c) support the ongoing USFWS condor GPS monitoring efforts, which are crucial for the recovery effort; and (d) provide two supplemental feeding stations on Tejon Ranch should the USFWS continue with such programs within the southern California. These efforts collectively preserve and maintain an enormous contiguous block of condor foraging habitat and preserve all traditional condor roosting areas within the Ranch, explicitly address lead poisoning risks to the condor, and provide crucial support to the condor recovery program. Consequently, the Project, in conjunction with the Ranchwide Agreement, maintains the importance of the Ranch for condor recovery.

Response 26 Z.

This comment excerpts a portion of a 1979 document indicating that the condor would be “jeopardized” by any major change in the “core portion” of the Ranch.

A full citation or a copy of the quoted document was not provided in conjunction with comment Z6-Z. The excerpt appears to be drawn from page 3 of a 1979 environmental assessment performed by the Oregon office of the USFWS in connection with a land acquisition ascertainment report for a proposed 100,000 acre land or easement purchase within Tejon Ranch. The report represents one of a series of efforts, largely mounted by the 1970s-era condor recovery team to establish a condor sanctuary within a portion of the Ranch. Notwithstanding this effort, the USFWS never purchased any of the proposed acquisition areas or easements. The “core” area referenced in the 1979 environmental assessment appears
to be a hand-drawn oval of approximately 100,000 acres in the central portion of the Ranch. A number of maps purporting to show “core” condor areas of the Ranch were produced during the 1970s by the condor recovery team to encourage an acquisition effort, including in conjunction with the 1979 memorandum referenced in comments 26-D2 and 26-E2, the 1974 draft Condor Recovery Plan, and the 1979 acquisition report. The “core” area shown in each of these documents varies by several hundred to several thousand acres. For example, the acquisition report states that the identified “core” area is “within condor critical habitat” although substantial portions of the “core” area to the west, north and east are not in fact within the designated critical habitat boundary. The boundary of the “core” area identified by the condor team in the 1979 memorandum referenced in comments 26-D2 and 26-E2 was characterized as “not magic and could probably be expanded or contracted somewhat for the sake of negotiation with the Ranch, but the condors must have a large block of land to forage over, not a chunk here and a chunk there.” The variability in the 1970s-era “core” maps of the Ranch relative to each other, and with respect to designated critical habitat reflects the approximate and imprecise nature of the maps. In any event, the Project development envelope would overlie at most approximately 4.02% of the “core” area identified in the 1979 acquisition report. The 1979 report was solely based on observations of condors prior to the entire population being brought into captivity by 1987 and could not benefit from the 30 years of additional scientific data and studies available to the condor experts consulted by the Project. The Project, in conjunction with the Ranchwide Agreement, would result in the permanent preservation of more than double the Ranch acreage proposed for acquisition in the report, including all of the condor roosting locations identified by the report within the Ranch. As discussed in Responses 26-J, 26-K, 26-M and 26-N, the Project, in conjunction with the Ranchwide Agreement, preserves and maintains the conservation values of the Ranch for the condor, including the permanent protection of a much larger, contiguous block of foraging land than was contemplated in the 1979 environmental assessment.

Response 26 A2.

This comment excerpts a portion of a 1971 letter suggesting that the condor “will not survive without Tejon.”

A full citation or a copy of the quoted document was not provided in conjunction with comment 26-A2. The excerpt appears to be drawn from page 3 of a 1971 letter to the California Department of Fish and Game written by the 1969-1979 condor recovery team leader who also drafted the memorandum referenced in comments 26-D2 and 26-E2. The excerpt in comment 26-A2 is slightly inaccurate; the actual cited text states that, “Preservation of a portion of the Tejon Ranch will not be easy, and may not in itself insure the condor’s survival. However, I feel sure the condor will not survive without the Tejon.” The purpose of the letter was to encourage the Department to support a USFWS acquisition of land or easements over certain portions of Tejon Ranch. Notwithstanding this and other efforts during the 1970s and early 1980s, the USFWS never purchased any of the proposed acquisition areas or easements. As discussed in Response 26-H, the Draft EIR and CCP also recognize the importance of Tejon Ranch for the condor. As discussed in Response 26-J, the 1971 letter included several passages that contradict statements in Comment Letter 24 regarding the need to preserve “all” areas that may be used by the condor within the Project boundaries and that development on the Ranch would significantly harm condor habitat. Page 2 the 1971 letter states that “probably any development possible” over a significant portion of the uplands portion of the Ranch, including at least 30%, or more than 3,000 acres of the Project development envelope, “would have little adverse effect on condors.” The letter also states that, “This letter is intended only as a discussion starter, and there is much room for refining boundaries, improving recommendations, etc.” The 1979 report was solely based on observations of condors prior to the entire population being brought into captivity by 1987 and could not benefit from the 38 years of additional scientific data and studies available to the condor experts consulted by the Project. As discussed in Responses 26-J, 26-K, 26-M and 26-N, the Project, in conjunction with the Ranchwide Agreement, would
result in the permanent preservation of approximately 240,000 acres of the Ranch, including all of the traditional condor roosting locations within the Ranch, and all of the locations within the Project area that contain the highest value foraging habitat for the species. As a result, the Project maintains the conservation values of the Ranch and the Project area for the condor.

**Response 26 B2.**

This comment excerpts a portion of a 1979 letter suggesting that the Tejon Ranch is one of the most important links for the condor.

A full citation or a copy of the quoted document was not provided in conjunction with comment 26-B2. The excerpt appears to be drawn from a 1979 letter written by the California Department of Fish and Game to the Executive Vice President of Tejon Ranch. The purpose of the letter was to thank Tejon Ranch for its support of the condor and to offer assistance in marking trees on the Ranch that would be preserved for the species. In context, the quoted text states, “As you are aware, approximately 90% of the condor population does winter on Tejon Ranch and because of this the Ranch is one of the most important links in the preservation of this endangered species. My staff informs me that you and your staff have been extremely cooperative in working with conservation organizations in the protection of the condor.”

As discussed in Response 26-H, the Draft EIR and CCP also recognize the importance of Tejon Ranch for the condor. The 1979 letter was solely based on observations of condors prior to the entire population being brought into captivity by 1987 and could not benefit from the 30 years of additional scientific data and studies available to the condor experts consulted by the Project. As discussed in Responses 26-J, 26-K, 26-M and 26-N, the Project, in conjunction with the Ranchwide Agreement, would result in the permanent preservation of approximately 240,000 acres of the Ranch, including all of the traditional condor roosting locations within the Ranch, and all of the locations within the Project area that contain the highest value foraging habitat for the species. As a result, the Project maintains the condor preservation functions referenced in the 1979 letter.

**Response 26 C2.**

This comment excerpts a portion of a 1972 document suggesting that the “future of the condor” could “hinge” on Tejon Ranch.

A full citation or a copy of the quoted document was not provided in conjunction with comment 26-C2. The excerpt appears to be drawn from page 6 of a 1972 biological ascertainment report, apparently the predecessor to the environmental assessment and acquisition report discussed in Response 26-Z. In context, the quoted text states that “We recommend acquisition, by purchase, agreement or easement, of the approximately 100,000 acre area mapped….The future of the California condor could hinge on maintaining the Tejon Ranch habitat approximately in its present condition.” As excerpted, comment 26-C2 could be read to imply that preservation of the entire Ranch was required for the “future of the condor.” In context, the excerpt refers to another of the hand-drawn ovals that were prepared during the 1970s by the condor recovery team in an effort to secure the purchase of certain areas of the Ranch for a condor sanctuary. As discussed in Responses 26-Z and 26-A2, the “core” areas identified in many of these proposals were drawn with different boundaries and, at various times, were characterized by their proponents as not “magic”, intended as a “discussion starter”, or that had “much room for refining.” Notwithstanding the 1972 report and other efforts during the 1970s and early 1980s, the USFWS never purchased any of the proposed acquisition areas or easements. As discussed in Response 26-H, the Draft EIR and CCP also recognize the importance of Tejon Ranch for the condor. The 1972 letter was solely based on observations of condors prior to the entire population being brought into captivity by 1987 and could not benefit from the 37 years of additional scientific data and studies available to the condor experts.
consulted by the Project. As discussed in Responses 26-J, 26-K, 26-M and 26-N, the Project, in conjunction with the Ranchwide Agreement, would result in the permanent preservation of approximately 240,000 acres of the Ranch, including all of the traditional condor roosting locations within the Ranch, and all of the locations within the Project area that contain the highest value foraging habitat for the species. As a result, the Project maintains the conservation values of the Ranch and the Project area for the condor.

Response 26 D2.

This comment excerpts a portion of a 1979 document suggesting that it would be “disastrous” for development to occur “very far inside the red line.”

A full citation or a copy of the quoted document was not provided in conjunction with comment 26-D2. The applicant was unable to locate a June 7, 1979, version of the cited document. A May 8, 1979, letter by the condor recovery team leader to Jim Messerli in the USFWS Portland office appears to contain the same text as the June 7, 1979 document referenced in comment 26-D2. The 1979 letter represents another effort by the condor recovery team to build support for the acquisition of approximately 100,000 acres of the Ranch for a condor sanctuary. The potential acquisition area was denoted with a hand-drawn red oval on a map. In context, the excerpted quote states that, “There is no way to draw lines more precisely than I have drawn them. The boundaries are not magic and could probably be expanded or contracted somewhat for the sake of negotiation with the Ranch, but the condors must have a large block of land to forage over, not a chunk here and a chunk there. I think it would be disastrous to have any major new developments very far inside the red line.”

Response 26 E2.

This comment excerpts a portion of a 1979 document suggesting that certain activities would be incompatible with condor management.

A full citation or a copy of the quoted document was not provided in conjunction with comment 26-D2. The applicant was unable to locate a June 7, 1979, version of the cited document. A May 8, 1979 letter by the condor recovery team leader to Jim Messerli in the USFWS Portland office appears to contain the same text as the June 7, 1979 document referenced in comment 26-D2. The 1979 letter represents another effort by the recovery team to build support for the acquisition of approximately 100,000 acres of the Ranch for a condor sanctuary. The potential acquisition area was denoted with a hand-drawn red oval on a map. In context, the excerpted text in the 1979 letter states that, “Concerning what could or couldn’t go on within the red line, I am mainly concerned about permanent or long-term disturbances, or major
changes in the level of human activity. Homesites or ongoing mining activity, for example, I feel would be incompatible with proper condor management.” May 1979 letter at 1. As discussed in Responses 26-Z, 26-A2 and 26-D2, the May 1979 letter identifies one of several areas proposed for acquisition within the Ranch during the 1970s, many of which were drawn with different boundaries and that were characterized by their proponents as not “magic,” intended as a “discussion starter” or that had “much room for refining.” Notwithstanding the 1979 letter and other efforts during the 1970s and early 1980s, the USFWS never purchased any acquisition areas or easements within the ranch. As discussed in Response 26-H, the Draft EIR and CCP also recognize the importance of Tejon Ranch for the condor. The Project development envelope would overlie approximately 4.02% of the area enclosed by the “red line.” The 1979 letter was solely based on observations of condors prior to the entire population being brought into captivity by 1987 and could not benefit from the 30 years of additional scientific data and studies available to the condor experts consulted by the Project. As discussed in Responses 26-J, 26-K, 26-M and 26-N, the Project, in conjunction with the Ranchwide Agreement, would result in the permanent preservation of approximately 240,000 acres of the Ranch, including all of the traditional condor roosting locations within the Ranch, and all of the locations within the Project area that contain the highest value foraging habitat for the species. As a result, the Project maintains the conservation values of the Ranch and the Project area for the condor.

Response 26 F2.

The Defenders of Wildlife state that the Draft EIR is designed to allow non-lethal take of golden and southern bald eagles and that both species are protected under the Bald and Golden Eagle Protection Act (Eagle Act). The comment asserts that the Eagle Act is a strict liability with no provision for take. The Defenders of Wildlife state their belief that the take provision proposed in the Draft EIR is currently illegal, and that new rules governing take provisions within the Eagle Act must be promulgated by the U.S. Fish and Wildlife Service before any implementation of any development on Tejon Ranch.

The comment incorrectly states that the Eagle Act does not permit any take of bald and golden eagles. The U.S. Fish and Wildlife Service has determined through recent rulemaking that incidental take permits pursuant to the Endangered Species Act (ESA) and its implementing regulations may be lawfully issued for species protected under the Eagle Act. 16 U.S.C. § 1531 et seq.; 50 C.F.R. 17.1 et seq.

On May 20, 2008, the Service issued a Final Rule regarding authorization under the Eagle Act for take of bald and golden eagles. 73 Fed. Reg. 29075. This rule, which became effective on June 19, 2008, extended Eagle Act take authorization to holders of existing Endangered Species Act authorizations and allowed take authorization to be extended to future Endangered Species Act Section 10 permits associated with habitat conservation plans for multiple species that include bald or golden eagles as covered species. New regulations at 50 C.F.R. 22.11 provide such authorization. The new regulations state that a "permit that covers take of bald eagles or golden eagles under 50 C.F.R. part 17 [relating to incidental take permits issued pursuant to the Endangered Species Act] for purposes of providing prospective or current Endangered Species Act authorization constitutes a valid permit issued under this part for any take authorized under the permit issued under part 17 as long as the permittee is in full compliance with the terms and conditions of the permit issued under part 17." 50 C.F.R. 22.11(a).

Accordingly, the Project has applied for incidental take of Eagle Act species through an incidental take permit issued pursuant to the Endangered Species Act, and under the conditions described in the Tehachapi Uplands Multiple Species Conservation Plan (TUMSCHP).

Furthermore, the Draft EIR thoroughly analyzes impacts of the Project on the bald and golden eagles in Section 4.4 [BIOLOGICAL RESOURCES] and includes substantial avoidance, minimization, and
mitigation measures to address impacts to those species. Those measures include Mitigation Measures 4.4-1, 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, 4.4-39, and 4.4-40.

Any remaining "take" of bald and golden eagles, as defined under the Eagle Act, will be authorized through the TUMSCHP, or an alternative federal authorization under the Endangered Species Act and the Eagle Act, consistent with federal law.

**Response 26 G2.**

The Defenders of Wildlife comment includes an accurate quote from the Draft EIR from Section 4.4 BIOLOGICAL RESOURCES. The Defender of Wildlife note that "take" under the Bald and Golden Eagle Protection Act (Eagle Act) means to pursue, shoot at, poison, capture, trap, collect, molest or disturb, in addition to wounding or killing, and that breeding golden eagles are known to be quite sensitive to human presence.

The comment accurately states the definition of "take" under the Eagle Act. See 50 C.F.R. § 22.3. Regarding potential impacts to breeding golden eagles, please see Response 26-F2, above.

**Response 26 H2.**

The Defenders of Wildlife comment that there is a lengthy list of potential impacts to bald and golden eagles including impairment of water quality; lighting effects; cattle-related impacts such as overgrazing, congregating in, trampling of and otherwise degrading primary breeding, foraging and wetlands habitats; Ranch operations related to maintenance of roads; utility maintenance; film production; and human presence and associated passive and active recreation. The comment asserts that these activities are likely to disturb bald and golden eagles and constitute take under the Eagle Act.

The comment restates potential impacts identified in the Draft EIR to bald eagle but does not describe the substantial avoidance, minimization, and mitigation measures identified in the Draft EIR for this species. Those measures include Mitigation Measures 4.4-1, 4.4-2, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-12, 4.4-13, 4.4-14, 4.4-15, 4.4-16, 4.4-17, 4.4-18, 4.4-19, 4.4-20, 4.4-21, 4.4-22, 4.4-23, 4.4-26, 4.4-27, 4.4-29, 4.4-32, 4.4-36, 4.4-37, 4.4-39, and 4.4-40.

For the purposes of the Eagle Act, "disturb" means "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." USFWS 2007 at 2. To the extent any of the activities noted in the comment "disturb" bald and golden eagles, such impacts will be mitigated to a less than significant level by the implementation of the Mitigation Measures listed above. As noted in Response 26-F2, any remaining take of bald and golden eagles, including take resulting from disturbance, as defined by the Fish and Wildlife Service, will be authorized through the TUMSCHP, or an alternative federal authorization under the Endangered Species Act and the Eagle Act.

**Response 26 I2.**

The Defenders of Wildlife state that avoidance of injury or lethal take is not sufficiently adequate and all take of bald or golden eagles, including activities that would disturb natural behavior by these species, must be avoided and must not occur.
Please refer to Responses 26-F2 and 26-H2, above.

**Response 26 J2.**

Defenders of Wildlife comments that six of the special-status species considered in the Draft EIR (California condor, American peregrine falcon, golden eagle, ringtail, southern bald eagle, and white-tailed kite) are "fully protected" under California state law.

The comment accurately states that these species are fully protected under California state law. Take" is defined for the purposes of Sections 3511 and 4700 of the California Fish and Game Code, which concern the "fully protected" species in the Project area as listed in Comment 48-J2, as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Cal. Fish and Game Code § 86. No state take of "fully protected" species is proposed or foreseeable as part of the Project. The Draft EIR's impact analysis in Section 4.4, BIOLOGICAL RESOURCES, acknowledges and reflects the "fully protected" status of these species.

**Response 26 K2.**

Defenders of Wildlife comments that the "fully protected" classification was California's initial effort in the 1960's to identify and provide additional protection to animals that were rare or faced possible extinction. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 26 L2.**

Defenders of Wildlife comments that "fully protected" species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collection for scientific research or relocation of bird species for the protection of livestock.

The comment accurately describes the provisions of the California Fish and Game Code regarding the "fully protected" species listed in Comment 48-J2, above. See Cal. Fish and Game Code §§ 3511, 4700. The Draft EIR's impact analysis in Section 4.4, BIOLOGICAL RESOURCES, explicitly considers the "fully protected" status of relevant species in the Project area, as listed in the Response 26-J2, above.

**Response 26 M2.**

Defenders of Wildlife comments that since the proposed Project does not fall under either of the exempted activities described in the Response 26-L2, above, take for all Fully Protected species must be avoided and must not occur.

The comment accurately states that the Project description does not include activities would allow authorized "take" of a fully protected species. "Take" is defined for the purposes of Sections 3511 and 4700 of the California Fish and Game Code, which concern the "fully protected" species in the Project area as listed in Comment 48-J2, as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Cal. Fish and Game Code § 86. No state take of "fully protected" species is proposed or foreseeable as part of the Project. Draft EIR, Section 4.4 BIOLOGICAL RESOURCES. The implementation of Mitigation Measures included in the Draft EIR in Section 4.4 BIOLOGICAL RESOURCES will reduce impacts to these species to a less than significant level. The Draft EIR appropriately concluded that impacts to biological resources, including "fully protected" species, would be less than significant with mitigation.
Response 26 N2.

The Defenders of Wildlife comment that amphibians are declining worldwide from a variety of factors, including pollution, climate change, disease, and introduction of non-native species.

This comment accurately reflects the general worldwide status of amphibians as a taxonomic group. However, this comment does not apply to all amphibian species, some of which are very common and occur in highly urbanized areas (e.g., northern Pacific treefrog (*Pseudacris (=Hyla) regilla*)), or can be invasive, non-native pest species such as American bullfrog (*Lithobates catesbeianus (=Rana catesbeiana*)) and African clawed frog (*Xenopus laevis*).

Response 26 O2.

The Defenders of Wildlife comment that the largest threats to amphibians are habitat loss and fragmentation, with a recent assessment of the global status of amphibians identifying habitat loss as the greatest identifiable threat contributing to amphibian declines.

Comment noted. Please see Response 26-N2, above, regarding the general worldwide status of amphibians.

Response 26 P2.

The Defenders of Wildlife comment that take for all amphibians related to development on Tejon Ranch should be avoided and must not occur considering the crisis amphibians are facing worldwide.

Five amphibians were observed on site during biological surveys: California toad (*Bufo boreas halophilus*), northern Pacific treefrog, American bullfrog, Tehachapi slender salamander (*Batrachoseps stebbinsi*), and yellow-blotched salamander (*Ensatina eschscholtzii croceater*). The two salamanders are special-status species and are addressed in the sub-comments below. The California toad, northern Pacific treefrog, and American bullfrog are all extremely common species in California. The California toad is present virtually everywhere in California except the deserts and highest mountains, and almost any source of water can be used for reproduction. Zeiner 1990. The Pacific treefrog is the most common amphibian species in California and is only absent from desert regions. Zeiner 1990. Similar to California toad, the Pacific treefrog can use almost any source of water for reproduction. The bullfrog is not native to the western states but is now common and widespread in California. (Zeiner 1990). This species preys on many native amphibians, including California red-legged frogs and arroyo toads, and thus is a serious pest species for which control programs are often implemented. Because the California toad, Pacific treefrog, and bullfrog are so common and widespread in California and under no threat whatsoever, specific avoidance of these amphibians is not necessary.

Habitat evaluations were conducted for four special-status amphibians: California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylii*), Kern Canyon slender salamander (*Batrachoseps simatus*), and arroyo toad (*Bufo californicus*). These species are considered to have a low potential to occur due to a small amount of suitable habitat present on site or because the Project site is outside their documented range. Focused surveys were conducted for the special-status western spadefoot toad (*Spea [Scaphiopus] hammondii*), but it was not detected and also is considered to have a low potential to occur on the Project site.

The distributions of Tehachapi slender salamander and yellow-blotched slender salamander are shown in Draft EIR Figure 4.4-8. This figure includes documented occurrences of the two species based on Tejon Mountain Village Project-specific surveys and the California Natural Diversity Database (CNDDB) and
shows the modeled suitable habitat for both species. The figure shows that modeled suitable habitat for both species is broadly distributed throughout the Project landscape, with Tehachapi slender salamander habitat primarily confined to drainages and yellow-blotched salamander habitat more broadly distributed in upland areas. These types of distributions make it difficult, if not impossible, to delineate a Project footprint that both would meet the goal of the Project and have 100% avoidance of salamander suitable habitat. Approximately 84% (760 acres) of Tehachapi slender salamander modeled suitable habitat and approximately 78% (4,259 acres) of yellow-blotched salamander modeled suitable habitat would be avoided. The only documented occurrence of the Tehachapi slender salamander during the Tejon Mountain Village Project-specific surveys in Monroe Canyon would be avoided. The other two CNDDB locations in the eastern portion of the Project site in Bear Trap Canyon also would be avoided. Of the 16 documented occurrences of yellow-blotched salamander during Project-specific surveys, 15 of the occurrences would be avoided. The single CNDDB location for yellow-blotched salamander would be impacted.

The proposed Project would therefore avoid impacts to the large majority of modeled suitable habitat (84% for Tehachapi slender salamander and 78% for yellow-blotched salamander), all documented occurrences of Tehachapi slender salamander on the Project site, and 88% (15 of 17) documented occurrences of yellow-blotched salamander.

In addition to avoidance of the large majority of modeled suitable for the two salamander species, 100% avoidance of documented Tehachapi slender salamander occurrences, and 88% avoidance of documented yellow-blotched salamander occurrences, several mitigation measures will be implemented to further avoid and minimize impacts to salamander individuals and their habitats, as summarized in Draft EIR Table 4.4-153. As examples of mitigation measures that would avoid and minimize short-term construction impacts, Mitigation Measure 4.4-8 would avoid and minimize potential short-term impacts to Tehachapi slender salamander to below a level of significance because this measure requires the Project Biologist to conduct pre-construction meetings with the contractor and other key construction personnel and ongoing biological construction monitoring. These meetings and ongoing monitoring would aid in enforcing the requirements that construction must be restricted to designated construction areas. Mitigation Measure 4.4-8 also addresses the indirect impact of increased human activity, vibration, and noise during construction because the Project Biologist will verify the staking and fencing of the construction area to ensure the approved construction area is properly identified in the field. Mitigation Measure 4.4-9 would avoid and minimize potential short-term impacts to Tehachapi slender salamander to below a level of significance by requiring that the construction plans include all the details and specifications regarding biological resource protection measures and best management practices. These measures and best management practices address fugitive dust, hydrology, sedimentation and erosion, chemical pollutants, and other operational requirements. Potential impacts from lighting would also be mitigated through Mitigation Measure 4.4-9 (restrictions on lighting during construction). As examples of mitigation measures that would avoid and minimize long-term operations-related impacts, Mitigation Measure 4.4-11 requires that trail maintenance and construction be restricted to existing ranch roads, to the maximum extent practicable. Where construction of trails is necessary beyond the existing ranch roads, the Project Biologist will assist in the siting of trails to avoid impacts to special-status wildlife species, including the two salamanders. Mitigation Measure 4.4-38 requires the placement of culverts under road connections and design of roads to prevent Tehachapi slender salamanders from entering the on-site roads, thus reducing roadway mortality.

Although a goal of 100% avoidance of amphibians and their habitat is laudable, the requirement of CEQA is not to achieve 100% avoidance of a sensitive resource, but rather to identify significant impacts and to implement feasible mitigation measures that reduce the impact(s) to a level less than significant. The Draft EIR determined that the proposed Project and the mitigation measures identified for the Tehachapi
slender salamander and yellow-blotched salamander (i.e., through 84% and 78% avoidance of suitable habitat and 100% and 88% avoidance of documented occurrences of the two species, respectively) are adequate to reduce impacts to these species to a level less than significant, and that, with this level of avoidance, both species will persist on the Project site.

Response 26 Q2.

The Defenders of Wildlife comment that the USFWS recently found slender salamander to be warranted for protection under the ESA (FR Doc. E9-9220, Filed 4-21-09).

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 26 R2.

The comment states that the best available scientific information shows that the Tehachapi slender salamander has declined due to habitat loss and degradation and faces ongoing threats.

This comment accurately reflects the known and likely cause of decline by this species.

Response 26 S2.

The Defenders of Wildlife comment that the Tehachapi slender salamander is extremely narrowly distributed and is known to occur only in two small areas in south-central Kern County.

Although the Tehachapi slender salamander is narrowly distributed, this comment is misleading as stated because it implies that the species is known to occur only in two small areas in south-central Kern County. The species also occurs in Tulare County and possibly in Los Angeles County. The following excerpt describing the distribution of this species is taken from the Draft TUMSCHP, Section 5.2.1.1.1, Status and Distribution (January 2009):

The population trends of the Tehachapi slender salamander are unknown, but there are reports on observed occurrences that allow for a characterization of the species’ general range and distribution. The Tehachapi slender salamander is endemic to California and only occurs in Tulare and Kern counties from 2,500 to 8,300 ft amsl. CaliforniaHerps 2007a; USFS 2006a. Morey (2005) lists a narrower altitudinal range, from 760 to 1,500 meters (2,500 to 5,000 ft amsl), and reports that the species may also extend into Los Angeles County.

The Tehachapi slender salamander can be found in the Caliente Creek drainage in the Piute Mountains as well as through the Tehachapi Mountains to Fort Tejon. CaliforniaHerps 2007a.

Tehachapi slender salamanders are known from two small areas in Kern County. Within Caliente Canyon outside of Covered Lands, at the junction of the Sierra Nevada and Tehachapi Mountains, Tehachapi slender salamanders have been recorded from seven discrete localities at elevations of 506 to 790 meters (1,660 to 2,592 ft amsl). CDFG 2008d; Brame and Murray 1968; AmphibiaWeb 2008. Tehachapi slender salamander populations also occur in several isolated canyons on the northern slopes of the Tehachapi Mountains, ranging from Tejon Canyon southwest to Fort Tejon, at elevations of 945 to 1,430 meters (3,100 to 4,692 ft amsl). Yanev 1980; Stebbins 1985; Jockusch 1996; Wake 1996; Wake and Jockusch 2000; AmphibiaWeb 2008. In 1957, a specimen was found from the north slope of Black Mountain (914 meters or
2,998 ft amsl) in the vicinity of Tehachapi Pass, between the Tehachapi Mountains and Caliente Canyon populations. Brame and Murray 1968.

(Draft TUMSCHP, page 5-12)

The Project is within the Covered Lands described in the above-referenced MSHCP. Within the Project site itself, there are also thousands of acres of open space areas that will remain undeveloped in perpetuity (Tejon Mountain Village Open Space). Tejon Mountain Village Open Space is the mitigation area for Project impacts to natural resources, including for example to the Tehachapi Slender Salamander, as further described in the Draft EIR. The approximately 141,000 acres of Covered Lands in the MSHCP includes the Tejon Mountain Village Open Space within the Project site, as well as other areas of Tejon Ranch that are not part of the Project and will remain in use for Ranching and other activities.

Response 26 T2.

The Defenders of Wildlife comment that the Tehachapi slender salamander has already become extirpated from the Tehachapi Pass area, likely as a result of highway construction, and the remaining populations in the Tehachapi Mountains are primarily on private lands, including the Tejon Ranch, which is succumbing to human development.

This comment is generally true regarding the current status of the Tehachapi slender salamander. However, the characterization of Tejon Ranch as “succumbing to human development” is a gross overstatement of the level of development proposed on Tejon Ranch in areas supporting suitable habitat the Tehachapi slender salamander. As fully described in the analysis for the Tehachapi slender salamander presented in Response 26-P2, approximately 84% (760 acres) of Tehachapi slender salamander modeled suitable and the only documented occurrence of the Tehachapi slender salamander during the Project-specific surveys in Monroe Canyon would be avoided by the Tejon Mountain Village Project. The other two CNDDB locations in the eastern portion of the Project site in Bear Trap Canyon also would be avoided.

The comment refers to development of Tejon Ranch in general as “succumbing to human development.” Under the proposed TUMSCHP, 92% (3,507 acres) of suitable habitat for the Tehachapi slender salamander would be conserved in Established and Tejon Mountain Village open space. An additional 180 acres of suitable habitat would be avoided in Potential Open Space areas and this habitat will be permanently conserved if these Open Space areas are acquired. TUMSCHP, pages 7-2 and 7-3. Moreover, this conserved suitable habitat would be within a very large conserved area under the TUMSCHP, which would conserve a minimum of 82% (116,346 acres) of the 141,886-acre Covered Lands. If options to acquire additional conservation easements are exercised, as authorized by the Tejon Ranch Conservation and Land Use Agreement (TRC 2008), up to 91% (129,116 acres) would be conserved (TUMSCHP Abstract, page iii). (The 108 acres of additional habitat for the Tehachapi slender salamander are included in this additional open space.)

Response 26 U2.

The Defenders of Wildlife comment that rapid human population growth within the region is reported to be a significant threat to the Tehachapi slender salamander.

Please see the analysis for Tehachapi slender salamander in Responses 26-P2 and 26-T2, above. The Draft EIR concludes that significant impacts to the Tehachapi slender salamander would be mitigated on site through the proposed avoidance, minimization, and mitigation measures described in Response 26-
P2. Response 26-T2, above, demonstrates that loss of habitat on the Project site would be small and that the species would persist on site post-development.

Response 26 V2.

The Defenders of Wildlife comment quotes Hansen and Wake (2005): “Plans exist for the development of several new communities on the vast Tejon Ranch property. Owing to the small size and nature of Tehachapi slender salamander population, the Tejon Ranch sites appear especially vulnerable to habitat disturbance. (p. 693)”

Please see Response 26-P2 and 26-T2 regarding the conservation of suitable habitat for the Tehachapi slender salamander. The proposed Project would not disturb the single occurrence in Monroe Canyon documented during the Project-specific surveys or the two CNDDB locations in the eastern portion of the Project site in Bear Trap Canyon.

Response 26 W2.

With respect to Tehachapi slender salamander, the comment from the Defenders of Wildlife states “Petition to List 2-3.” The comment is unclear and has been noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 26 X2.

The Defenders of Wildlife comments that Mitigation Measure 4.4-33 describes pre-construction visual and pitfall trapping surveys for Tehachapi slender salamander. Like many other salamander species, the Tehachapi slender salamander remains subsurface during periods of freezing temperatures and summer heat.

This comment accurately reflects Mitigation Measure 4.4-33 and the Tehachapi slender salamander’s seasonal subterranean behavior. The species’ surface activity depends both on temperature ranges and precipitation patterns, making its surface activity erratic.

It should be noted that CDFG suggests removing pitfall trapping as a pre-construction survey technique for Tehachapi slender salamander (Mitigation Measure 4.4-33) because it may not be an effective survey technique, unless there is new information indicating the contrary.

Mitigation Measure 4.4-33 states both visual surveys and pitfall trapping may be used during pre-construction surveys for Tehachapi slender salamander, as noted in the excerpt from the mitigation measure: Although pitfall trapping is a common survey method for small amphibians and reptiles, it is acknowledged that it may not be as effective as walkover visual surveys (including turning over rocks and other debris that might be used by salamanders). For this reason, Mitigation Measure 4.4-33 in Section 4.4, BIOLOGICAL RESOURCES, will be revised per the CDFG comment. Please refer to Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification. Mitigation Measure 4.4-33 will be revised as follows:

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Mitigation Measure 4.4-33: Pre-construction surveys and avoidance measures shall be implemented for Tehachapi slender salamander subject to applicable permitting requirements. For construction activities involving mass grading and the installation of backbone infrastructure occurring in or directly adjacent to occupied or suitable habitat for the Tehachapi slender salamander, pre-construction surveys shall be
conducted by the Project Biologist prior to disturbance to determine if Tehachapi slender salamander individuals are present in the disturbance zone. Visual searches will be the primary survey method used for pre-construction surveys for Tehachapi slender salamander. The Project Biologist shall conduct visual surveys no earlier than 72 hours prior to disturbance. Pitfall trapping may be used in conjunction with the visual surveys, and if pitfall trapping is used, the Project Biologist shall conduct trapping no earlier than 5 days prior to disturbance. If Tehachapi slender salamanders are located, individuals within the disturbance zone shall be captured and relocated to the closest suitable habitat area containing talus, as and to the extent required by the United States Fish and Wildlife Service under the Multiple Species Habitat Conservation Plan or by the California Department of Fish and Game in a permit. The Project Biologist conducting the capture and relocation of Tehachapi slender salamanders will have a Scientific Collecting Permit (SCP) and a Memorandum of Understanding (MOU) or letter permit from CDFG to carry out these activities.

When occupied or modeled suitable habitat for Tehachapi slender salamander is directly impacted by construction activities involving mass grading and the installation of backbone infrastructure, a habitat restoration plan shall be developed for the Tehachapi slender salamander that specifies, at a minimum, the following: 1) the location of creation, enhancement, or restoration planting sites; 2) a complete description of the hardscape (e.g., talus, rocks, and logs) to be installed and where it will be deposited, along with desired leaf and litter cover; 3) a description of how the existing typical hydrologic regime will support Tehachapi slender salamander habitat; 4) the quantity and species of plants to be planted; 5) planting procedures, including the use of soil preparation and irrigation; 6) methods for the removal of non-native plants; 7) a schedule and action plan to maintain and monitor the creation/enhancement/restoration area; 8) a list of criteria (e.g., growth, percent plant cover, plant diversity, debris, and hardscape) and performance standards by which to measure success of the creation/enhancement/restoration; and 9) contingency measures in the event that creation/enhancement/restoration efforts are not successful. Performance standards shall be defined by a site-specific pre-construction study of known locations occupied by Tehachapi slender salamander, including evaluation of specific cover; distance to water; water inundation levels; percent canopy cover; percent shrub and grass cover; presence of talus, boulder, log, or other refugia; and other factors. The restoration plan performance standard under this mitigation measure is to create, restore, or enhance areas so that Tehachapi slender salamanders can naturally colonize these areas or Tehachapi slender salamanders within the disturbance zone can be successfully relocated to these areas. The plan shall be prepared by the Project Biologist prior to the issuance of a grading permit for construction activities involving mass grading and the installation of backbone infrastructure that would have an impact on occupied or suitable habitat for the Tehachapi slender salamander. As with other special-status species, pre-construction survey methods, avoidance measures, and final mitigation requirements for this species shall be established by the United States Fish and Wildlife Service and California Fish and Game. Permit applications submitted to the California Department of Fish and Game, shall include, at minimum, environmental impact report mitigation measures.

Response 26 Y2.

The Defenders of Wildlife comment that, given the environmental limits on its surface activity, conducting only visual surveys could likely be insufficient for locating and identifying occupied Tehachapi salamander habitat.

This comment reflects the challenge of detecting this species on the surface. At certain times of the year when the individuals are not active on the surface, visual and pitfall trapping surveys will not be effective pre-construction surveys methods. It is assumed that there would be some loss of Tehachapi slender salamander individuals within the approximately 141 acres of suitable habitat estimated to be directly
impacted (108 acres in the development envelope and 34 acres in the fuel modification zone). Because the Tehachapi slender salamander is state-listed as threatened, a Section 2081 permit for take of the species will be required prior to Project impacts. This species is also proposed to be covered under the TUMSCHP, which, if approved, would provide incidental take authorization for the Project if this species is federally listed as threatened or endangered. If the TUMSCHP is not approved, and the species is federal listed, the applicant would apply for an alternate federal incidental take authorization under the Endangered Species Act. With these permits, some level of take of individuals and its habitat will be authorized. The construction-related mitigation measures identified in the Draft EIR (including Mitigation Measures 4.4-33, 4.4-8, and 4.4-9 described in more detail in Response 26-P2) therefore are not intended or expected to provide 100% avoidance of Tehachapi slender salamander individuals and suitable habitat. The purpose of these mitigation measures is to avoid and minimize impacts to individuals and habitat to the extent feasible.

Response 26 Z2.

The Defenders of Wildlife comment that because the Tehachapi slender salamander has an incredibly restricted range, 100% (not 84%) of its suitable habitat should be left unaltered and not included in any disturbance zone.

This comment is noted and responded to in detail in Response 26-P2, above.

Response 26 A3.

The Defenders of Wildlife comment that construction activities when coupled with other Ranch activities such as cattle grazing; film production; culvert, drainage, and utility maintenance; and human presence constitute potentially significant cumulative impacts that could result in habitat degradation and possible mortality of the Tehachapi slender salamander.

All of the other Ranch activities described in the comment, in conjunction with construction activities, were analyzed in the cumulative impacts analysis presented in Section 4.4.5, CUMULATIVE IMPACTS. The Tejon Ranch Conservation and Land Use Agreement and TUMSCHP are the two relevant undertakings for the other Ranch activities in relation to cumulative impacts. As stated in the Draft EIR:

In addition to these planning and Project areas, there are two further undertakings that are relevant to the cumulative analysis of biological resources within the vicinity of the Project.

First, in June 2008, Tejon Ranch Company entered into a comprehensive Ranchwide Agreement (Tejon Ranch Conservation and Land Use Agreement; Appendix J-1) with several major environmental organizations. The Ranchwide Agreement provides for the permanent preservation of approximately 90% of Tejon Ranch, in a combination of donated conservation easements, conservation easement acquisition areas, and designated open space areas within future development areas (including the open space areas of the Project, as described in Section 4.2, “Agriculture Resources;” noted in Chapter 3, “Project Description;” and depicted in Figures 3-10).

Pursuant to the Ranchwide Agreement, Tejon Ranch areas immediately adjacent to the Project site on the north, south, and east would be permanently preserved with donated conservation easements. Enhanced public recreational access to these areas is also planned under the Ranchwide Agreement, as discussed in Section 4.14, “Recreation.” Development could occur west of the Project site in the existing Ranch headquarters area without opposition by the parties to the Ranchwide Agreement, although no such development has been planned or proposed. The Ranchwide Agreement provides for the permanent protection of the ecosystem values of Tejon Ranch. It creates a new, independent, nonprofit conservancy,
the Tejon Conservancy (Conservancy). The mission of the Conservancy is to administer a new Ranchwide Management Plan (RWMP) to preserve and enhance the native biodiversity and ecosystem values of designated open space areas of Tejon Ranch and to establish best management practices for ongoing historical uses of Tejon Ranch for the benefit of future generations. The RWMP adopted by the Conservancy would establish best management practices for grazing, farming, and other historical uses of Tejon Ranch. The Ranchwide Agreement establishes both short-term and long-term funding sources to ensure the Conservancy has adequate resources to meet its obligations. Subject to resource agency approval, where applicable, the Conservancy would hold all conservation easements over conserved lands. A summary of the key provisions of the Ranchwide Agreement is included in Appendix J-1 to this EIR and is discussed further below, as relevant.

Second, the TUMSCHP is pending with the USFWS. The intent of the TUMSCHP is to meet the requirements for a USFWS Section 10(a)(1)(B) Incidental Take Permit for 27 Covered Species, including the California condor. The requested term of the ITP is 50 years. The Covered Lands occur in Kern County and would encompass 141,886 acres of the 270,365-acre Tejon Ranch. The TUMSCHP is designed primarily to preclude development and protect as open space in perpetuity a minimum of 82% of the Covered Lands (including the whole of an identified Condor Study Area) and up to 91% of the Covered Lands if options to acquire additional conservation easements are exercised as authorized by the Ranchwide Agreement (Appendix J-1) described above.

(Draft EIR, pages 4.4-450, 4.4-451)

Also for cumulative impacts evaluation purposes, under the proposed TUMSHCP, 92% (3,507 acres) of suitable habitat for the Tehachapi slender salamander would be conserved in Established and Tejon Mountain Village open space. An additional 180 acres of suitable habitat would be avoided in Potential Open Space areas, and this habitat will be permanently conserved if these Open Space areas are acquired (TUMSCHP, pages 7-2, 7-3). Moreover, this conserved suitable habitat would be within a very large conserved area under the TUMSCHP, which would conserve a minimum of 82% (116,346 acres) of the 141,886-acre Covered Lands. If options to acquire additional conservation easements are exercised, as authorized by the Tejon Ranch Conservation and Land Use Agreement (TRC et al. 2008), up to 91% (129,116 acres) would be conserved (TUMSCHP Abstract, page iii). (The 108 acres of additional habitat for the Tehachapi slender salamander are included in this additional open space.)

The draft TUMSCHP also includes several biological goals and objectives that address the long-term operational impacts of other Ranch activities listed in the comment, including the following, as excerpted from the Draft TUMSCHP (January 2009):

Goal 5: Long-term (operational) impacts will be avoided and effects that cannot be avoided will be minimized to the extent practicable in suitable habitat for Tehachapi slender salamander.

Objective 5.1: Design features will be incorporated at the boundary between modeled suitable habitat and development areas that are adequate to avoid and minimize the introduction of exotic plant and animal species such as Argentine ant, and urban runoff in adjacent natural areas.

Objective 5.2: Lighting for commercial and residential Covered Activities in these boundary locations will be directed away from suitable habitat.

Goal 6: The effects of cattle-related impacts in suitable habitat for Tehachapi slender salamander will be avoided and effects that cannot be avoided will be minimized to the extent practicable.
Objective 6.1: A grazing management plan will be prepared that regulates livestock grazing and range management activities to continue to maintain existing habitat for Tehachapi slender salamander while continuing to provide for commercial ranching and fire protection.

Goal 7: The effects of human recreation and pet activities in suitable habitat for Tehachapi slender salamander will be avoided and effects that cannot be avoided will be minimized to the extent practicable.

Objective 7.1: Home Owners’ Association(s) will be provided with educational information regarding acceptable recreational activities, pets, wildlife, and open space areas.

Goal 8: The adverse effects of other non-permanent Covered Activities on individuals and/or suitable habitat for Tehachapi slender salamander will be avoided and effects that cannot be avoided will be minimized to the extent practicable.

Objective 8.1: Environmental baseline surveys of the Ranch will be conducted to determine the presence or absence of Tehachapi slender salamanders.

Objective 8.2: The installation of infrastructure within open space areas will include efforts to minimize the footprint and use BMPs for the design and installation of any such infrastructure.

Objective 8.3: The selection of appropriate locations for access, trails, and facilities will minimize impacts to the open space areas.

(Draft TUMSCHP, pages 7-4, 7-5)

As concluded in Draft EIR Table 4.4-163 for the Tehachapi slender salamander:

Through establishment of Special Management Area 7 and avoidance, minimization, and mitigation measures that include preparation of a resource management plan, a golf course maintenance plan, and fencing and signage, among others, project-level impacts would be less than significant. … Due to these measures, the conservation and management of mountain landscapes provided for in the Ranchwide Agreement, and conservation measures for this species incorporated in the draft Tehachapi Upland MSHCP, cumulatively considerable impacts to this species are not anticipated.

(Draft EIR, pages 4.4-469, 4.4-470)

Response 26 B3.

Defenders of Wildlife comments that all modeled suitable habitat that has the potential of supporting 216 individuals salamanders (cited from Draft TUMSCHP), must be avoided and take for the species should not be allow to occur.

This comment is noted and responded to in detail in Response 26-P2, above.
Comment Letter 27

From: Sheila Allen <allen@kern.ca.us>
To: <murphy@kern.ca.us>
Date: 06/24/2009 10:32 AM
Subject: Send Tejon Mountain Village Back to the Drawing Board

The Kern County Planning Department should never consider a specific plan or proposed urban sprawl housing development in heart of the endangered California condor critical habitat. Ten of millions of dollars of private and public money, time, and energy have been spent bringing back the condor from the brink of extinction. If adequate habitat for North America’s largest bird is not protected, how can the condor adequately recover to self-sustaining levels?

But the Tejon Mountain Village harms more than condors. More than 80 other rare species would suffer. More songbirds would be created, further endangering mountain communities, more greenhouse gases would be created, exacerbating global climate change, and much more traffic on already overburdened federal and state infrastructure. The project would also increase public safety issues including fire threats and put a huge burden on the County to provide costly fire services to the development.

In addition, the County appears to have strategically issued this environmental impact report during the comment period for the Tehachapi Uplands Habitat Conservation Plan—overwhelming the interested public with close to 6,000 pages of information to absorb. True public participation in this process is necessary before any plan is approved, and at this time such participation is impossible.

The Tejon Mountain Village needs to go back to the drawing board. The proposed development must be removed to stay out of critical habitat, prevent impacts to the other 80 rare species and vegetation communities in the area, and avoid exacerbating negative air quality, greenhouse gas emissions, fire hazard, and traffic issues.

Sheila Allen
5903 Summit Hill Rd
Somerset, CA 95664
Comment Letter 27. Email Petition with 2,086 Responses (June 18, 2009)

Comment Letter 27 is an example from an email petition received by the County entitled "Send Tejon Mountain Village Back to the Drawing Board." Staff received approximately 2,000 responses. Each of these emailed petition letters were identical.

Response 27 A.

Thank you for your comments. The comment states that the Planning Department should not approve a "proposed urban sprawl housing development" in the heart of critical habitat for the California condor. The comment describes the time and financial commitment that have been devoted to bringing the condor back from the brink of extinction, and questions how the condor can recover if its habitat is not protected. Please see Global Response 7.5.3. Your comment is noted for the public record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 27 B.

Commentor believes that the Project will adversely affect rare species, smog, greenhouse gas emissions and climate change, traffic and infrastructure, public safety, fire threats, and the County's ability to provide publicly financed services to the Project. These issues are addressed, respectively, in the Draft EIR in Section 4.4, BIOLOGICAL RESOURCES, Section 4.3, AIR QUALITY AND CLIMATE CHANGE, Section 4.15, TRAFFIC AND TRANSPORTATION, Section 4.13, PUBLIC SERVICES, Section 4.7, HAZARDS AND HAZARDOUS MATERIALS, and Section 4.16, UTILITIES AND SERVICE SYSTEMS. The commentor's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 27 C.

The comment states that the Draft EIR was strategically released concurrently with the comment period for the Tehachapi Uplands Multiple Species Habitat Conservation Plan in order to preclude full public participation in the environmental review process. Please refer to Response 25-C and the responses to Letter 59 for a discussion of the public review process for the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 27 D.

The comment states that the Project should go back to the drawing board and be redesigned to avoid critical habitat for the California condor, to prevent impacts on rare species and vegetation, and to avoid exacerbating negative air quality, greenhouse gas emissions, fire hazards and traffic issues. In response to this and other comments regarding critical habitat avoidance, a further Alternative has been added to the EIR, which is discussed in Section 7.2 (Alternative F: Condor Critical Habitat Avoidance Alternative). This alternative would place all proposed development outside the identified Critical Condor Habitat and is being included for consideration by the Planning Commission and Board of Supervisors. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 28

(06/22/2009) Lorelei H. Oviatt - That Lake Again

From: Jan de Leeuw <juleeuv@razmijn.com>
To: "Lorelei H. Oviatt" <LORELEI@co.kern.ca.us>
Date: 06/19/2009 11:39 AM
Subject: That Lake Again

Dear Lorelei,

Thanks again for the presentation. We are still fascinated by the fact that the lake was clearly in the NOP and clearly not in the DEIR. This means, we think, an essential change in the definition of the project between the NOP and the DEIR phase of CEQA. It also means that the NOP comments by the public were on a very different project than the one we are currently discussing.

The Mountain Enterprise has noted that the brochures for TMV have changed from Lake Furlong to Horseback Riding and Golf Cubbing.

We wonder what the Statute, the Guidelines, and case law say about that, if anything. And also if the County has any idea why the change was made.

For TriCounty Watchdogs
Best -- Jan de Leeuw
Comment Letter 28.  Mr. Jan de Leeuw (June 18, 2009)

Response 28 A.

Thank you for your comments. The commentor questions how Castac Lake could be omitted from the Project when it was included in the Notice of Preparation (NOP) for the Draft EIR. The commentor also states that the removal of the Lake from the Project is an essential change in the definition of the Project, and that the NOP comments were on a very different Project than the current Project. Because several commentors questioned the exclusion of the lake from the Project, Global Response 7.5.1 was prepared to address this comment. The comment is also noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 28 B.

The comment states that a local newspaper has noted that the Project promotional materials have changed from "Lake Frolicking" to "Horseback Riding and Golf Clubbing." While the referenced promotional materials are not part of the EIR and have not been provided for the administrative record, it is accurate that "Lake Frolicking" is not part of the Project. Global Response 7.5.1 further addresses Project modifications made to reduce Project impacts based on comments received during the NOP process. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 28 C.

The comment questions what the CEQA statute, Guidelines, and case law say about the revision of the Project Description. Please refer to Global Response 7.5.1 for a full discussion of revisions made to the Project after the NOP was issued. The comment also questions whether Kern County has been informed regarding the changes to the Project Description.
Comment Letter 29

To: Kern County Planning
Lorelei Oviatt- LoreleiO@co.kern.ca.us,
Craig Murphy- murphyC@co.kern.ca.us,

Please include the following in the public record as my comments on the Tejon Mountain Village and Frazier Park Estates Draft Environmental Impact Reports:

I believe both of these projects will be an attribute and a positive action towards the mountain communities. It will bring much needed growth to a stagnated community. Any negative action from these projects should be viewed as “minimal” and the “positives” far out weigh the negatives. Perhaps if the population of our mountain communities was to grow to over 30,000, then we could work in our “home town” for the betterment of the community. Then we would no longer be considered a “bedroom community” having to travel off the hill 50 miles each way to go to work. Perhaps we could even get a few Government buildings such as welfare offices, unemployment offices, etc. If we had those offices in town, then perhaps the people who do not want to be on welfare could go to the unemployment office daily and find jobs. Then the people who want to remain on welfare “forever” at least they have to go to the office to get their check instead of getting it in the mail. As far as schools, our little El Tejon School District has done very well for our kids. Our High School was built for “new growth” and can accommodate new students. I believe The Centennial project has several Elementary Schools as well as Middle and High Schools planned. As far as any water issues are concerned, perhaps if the County would not have so many requirements on storing run off water on your own property instead of letting the run off go downstream into our lakes and streams as it has done for millions of years, then perhaps we would not have so many concerns. Lebec has water bubbling out of the ground during the winter months, so I don’t believe water will be as big a concern as some people think. I fully support these projects and hope they will be completed.

Thank you for considering my comments as a part of the planning process for these projects.

Signed,

Name- Douglas Hallmark
Mailing Address-P.O.Box 915 Frazier Park,
Ca. 93225
Phone- 661-245-4505
Email- dhallmark@frazmtn.com
Comment Letter 29. Mr. Douglas Hallmark (June 23, 2009)

Response 29 A.

Thank you for your comment. The commentor is in support of the proposed Project and states in his comment letter that the proposed Project and the Frazier Park Estates Project will bring positive growth to the Mountain Communities, and that any negative effects from these projects are outweighed by the positives. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent that the comment regards the Frazier Park Estates Project or the Centennial Project, such comments are beyond the scope of these Final EIR.

Response 29 B.

The comment questions whether the population in the Mountain Communities, where the proposed Project is located, will grow to over 30,000 persons and become a job center, so it would no longer be considered a "bedroom community" where many residents commute to jobs in other locations. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 29 C.

The comment suggests that new government buildings located in the Mountain Communities region could provide welfare and employment-related services to local to residents, and notes that such buildings could assist with providing jobs as well as assist with providing welfare services. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 29 D.

The comment notes that the El Tejon School District has "done very well" for local kids. The comment states that the High School was built for "new growth" and can accommodate new students. Commentor also notes that the Centennial project (in Los Angeles County) has several new Elementary, Middle, and High Schools. Impacts to schools are evaluated in Section 4.13, PUBLIC SERVICES, of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 29 E.

The comment states that, as far as water issues are concerned, there might be fewer concerns about it if the County had fewer requirements regarding storage of storm water on one's own property, instead of letting runoff go downstream into lakes and streams as it has done for millions of years. The comment notes that "Lebec has water bubbling out of the ground during winter months" and therefore the commentor does not have the same concerns regarding the Project's water supply as other people. The commentor states that he fully supports the Project and hopes it will be completed. The project will not be using groundwater, and water supply for the project is described in Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 30a

Craig M. Murphy  
Supervising Planner  
Kern County Planning Department  
2700 "M" Street  
Bakersfield, CA

June 23, 2009

RE: Tejon Mountain Village Specific and Community Plan

Dear Mr. Murphy,

Tejon Ranch encompasses more of California's natural beauty and diversity than any undeveloped area in the state. This enormous parcel is home to native grasslands, oak woodlands, Joshua Tree woodlands and conifer forests. It is home to the endangered California Condor and more than two dozen state and federally listed plant and animal species.  

The California Condor Recovery Plan, signed off in April of 1996, recognized that much of known condor habitat was privately held land. That document states that "A management plan [for the protection of condors and their habitat] should be prepared with the consent and participation of the affected land owners."

I am amazed at the detailed research and thoughtful planning Tejon Ranch has given to developing their land in a way that will provide multiple economic benefit to Kern County and the mountain communities while protecting the natural habitat of the condor while minimizing and mitigating any potential impact of any development.

The Tejon Mountain Village plan will preserve over 90% of this enormous tract of land, and it's native wildlife, from irrational development. This is an incredible gift to the residents of California and to land owning neighbors such as myself.

As planned, Tejon Mountain Village is remarkable in over 80 % of the development itself will remain open space. This added to the Tejon Ranch Conservancy mean the preservation of up to 240,000 acres thus preserving 94% of high quality condor foraging area.

I have reviewed the TUMSHCP, the DEIS and the EIR and I believe the plans for Tejon Mountain Village are an extraordinarily thoughtful and comprehensive, allowing for preservation of sensitive habitat while still allowing for limited development that will benefit the local economy and enhance local public services.

I certainly hope the TMV development will be approved.

Sincerely,

[Signature]

[Full Name]

500 East End  
Frazier Park, CA  93225-2005

cc:  
Ray Watson
Comment Letter 30a. Ms. Candace Huskey (June 23, 2009)

Response 30a A.

Thank you for your comment. The comment from Candace Huskey is in support of the proposed project and states that Tejon Ranch encompasses more of California's natural beauty and diversity than any other undeveloped area in the state, and notes that Tejon Ranch is home to a variety of natural habitats, the California condor, and more than two dozen other plant and animal species listed pursuant to the federal and California Endangered Species Acts. The comment is an introduction to the letter and is not directed at the adequacy or content of the Draft EIR. This comment will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 30a B.

The comment includes a quotation from the 1996 version of the California Condor Recovery Plan, which provides that a management plan for the condor should be prepared with the consent and participation of affected land owners because much of the condor's habitat included privately held land. The comment is not directed at the adequacy or content of the Draft EIR. The Project includes the Tejon Ranch California Condor Conservation and Management Plan (Appendix I to Appendix E-1 of the Draft EIR), which addresses California condor natural history, conservation, and management throughout Tejon Ranch with particular emphasis on the potential impacts of the Tejon Mountain Village Project on the California condor, including designated critical habitat for the species. The comment will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 30a C.

The comment notes that the Project has been designed to provide economic benefits to Kern County and the Mountain Communities while protecting condor habitat and minimizing the impacts of development. This comment will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 30a D.

The comment notes that the Project includes preservation of over 90% of "this enormous tract of land" and native wildlife from irrational development. The comment states that this is an "incredible gift" to Californians and neighboring landowners. The commentor appears to be referring to the 90% of Tejon Ranch that would be protected from future development under the Tejon Ranch Conservation and Land Use Agreement (Agreement), which provides for a combination of dedicated conservation easement areas, and areas for which conservation easements may be acquired, that collectively comprise approximately 240,000 acres or 90% of Tejon Ranch. This Agreement is not part of the Project, and the Project does not include the preservation of these areas of the Ranch. Included in the 240,000 acres, the Project does include over 20,000 acres of preserved open space lands with the Project site. Further information about the Agreement is included in Appendix J-1 of the Draft EIR, which consists of a summary of the Tejon Ranch Conservation and Land Use Agreement.

Response 30a E.

The commentor notes that the Project development plan preserves over 80% of the Project site in open space, that this will be added to the Tejon Mountain Conservancy which will manage portions of the Project open space, and that 94% of high quality condor foraging area will be preserved. The Tejon
Mountain Village Specific Plan, the Tejon Mountain Village Master Design Guidelines, and the Tejon Mountain Village Special Plan No. 1, Map 256 provide for permanent preservation of approximately 21,335 acres (80%) of the site as ranchland and other undeveloped open space. For a description of mitigation measures which reduce Project impacts on the California condor, including preservation of high-quality foraging habitat, please refer to Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES.

Response 30a F.

This commentor notes that she has reviewed the Draft EIR for the proposed Project, and the Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP) and associated Draft Environmental Impact Statement (EIS), and supports the Project's approval because the Project is "extraordinarily thoughtful and comprehensive, allowing for preservation of sensitive habitat while still allowing for limited development that will benefit the local economy and enhance local public services." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.
Comment Letter 30b

Craig M. Murphy
Supervising Planner
Kern County Planning Department
2700 "M" Street
Bakersfield, CA

July 7, 2009

RE: Tejon Mountain Village Draft Environmental Impact Report

Dear Mr. Murphy -

I have reviewed the draft EIR evaluating the impact of a request for an incidental take permit by Tejon Ranch Company and the Tehachapi Uplands Multi-Species Habitat Conservation Plan.

The Tehachapi Uplands Multi-Species Habitat Conservation Plan is the culmination of nearly a decade of scientific study and collaboration with the federal government and independent scientists to develop a strategy that protects natural habitats and preserves species while minimizing and mitigating any potential impacts from the Ranch's ongoing business activities.

Of the four alternative actions discussed in the DEIS, the TUMSHCP is the most rational approach to preserving over 90% of this large tract of land and its native wildlife from irrational development. I am impressed with TRC's sensitivity to ecological concerns and, more importantly, to take those concerns and fashion them into a thoughtful and comprehensive plan of multiple benefit.

TRC has spent years of inquiry and study to evolve a Conservation Plan which takes into consideration Tejon Ranch's rich biodiversity. In addition to the California Condor, the plan now covers an additional 26 species of plants and animals, many of which are not required to be protected, but which TRC believes would benefit from their inclusion.

And the measures designed to ensure the California condor's ongoing recovery are also far reaching:
- Preserving 94% of high quality condor foraging area within its boundaries
- Undergrounding of new utility lines
- Land planning considerations that take into account the existing natural setting and historic condor activity, including ensuring planned development is located away from potential condor foraging areas
- Eliminating use of ammunition containing lead in the ranch's hunting program
- Providing supplemental condor feeding stations
- Providing GPS tracking devices that can help officials identify when birds are in trouble and where to find them
- Establishing a 37,000-acre USFWS Condor Study Area
- Employing a full time on-site biologist and establishing a condor education program for residents and guests.

I believe the TUMSHCP is an extraordinarily thoughtful and comprehensive plan allowing for preservation of sensitive habitat while still allowing for limited development that will benefit California's economy and future growth.

I have asked the USFWS to approve the request and adopt the HCP.

Sincerely,

Candace K. Huskey
500 East End
Frazier Park, CA 93225-2005

Cc: Ray Watson
Comment Letter 30b. Ms. Candace Huskey (June 23, 2009)

Response 30b A.

Thank you for your comment. The comment from Candace Huskey relates to the Tehachapi-Uplands Multi-Species Habitat Conservation Plan (TUMSHCP) and associated Draft Environmental Impact Statement (Draft EIS). Commentor provides some history regarding the development of the TUMSHCP, discusses some of the various measures the TUMSHCP contains, and expresses support for the TUMSHCP. Because this comment is limited to the TUMSHCP and Draft EIS and does not address the Draft EIR, it is beyond the scope of these Final EIR responses to the Draft EIR. However, the comment has been noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Comment Letter 31

From: Coral Suzuki <coral.i.suzuki@gmail.com>
To: MurphyC@co.kern.ca.us; LORELEIO@co.kern.ca.us
Date: 06/25/2009 2:11 PM
Subject: Tejon Mountain Village and Frazier Park Estates

*Please include the following in the public record as my comments on the Tejon Mountain Village and Frazier Park Estates Draft Environmental Impact Reports:* 31-A

** My family and I moved here to get away from the smog (was causing my daughter chronic daily migraines) and we value a very rural environment. We believe there are plenty of house here that aren't even selling already.
** 31-B
**
**
*Thank you for considering my comments as a part of the planning process for these projects.*
**
** Signed,**

** Coral Suzuki
**

* Mailing Address: 1124 Hut Ct
  Phone: 661-245-1345* 31-D
Comment Letter 31. Ms. Coral Suzuki (June 25, 3009)

Response 31 A.

Thank you for your comment. The commentor, Ms. Coral Suzuki, is concerned with the impacts the proposed project will have on air quality, specifically smog. She notes that her family moved to the area to get away from the smog.

The commentor is correct in stating that the Project will produce smog-forming gases that would not be produced in the absence of the Project. In compliance with CEQA guidelines, the Draft EIR analyzes emissions of ozone precursors (reactive organic gases (ROG) and nitrogen oxides (NOX)) for all construction and operations-related activities resulting from the Project. Ozone is a key ingredient in urban smog. The Draft EIR finds that impacts of ROG emissions from construction of the Project and both ROG and NOX emissions from operations of the Project are significant and unavoidable (please refer to Impacts 4.3-2 and 4.3-3). The Project has committed to implementing numerous measures to reduce Project-related ozone precursor emissions and their associated impacts, including the full mitigation of ozone precursors from the Project’s operation within the San Joaquin Valley Air Basin. See Draft EIR at 4.3-95 to 4.3-99. Construction mitigation includes multiple construction vehicle exhaust controls, limits on idling time, and requiring all equipment to meet Tier 2 or 3 emission standards (please refer to Mitigation Measures 4.3-1, 4.3-3 and 4.3-4).

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent that this letter addresses issues related to the Frazier Park Estates Draft EIR, such comments are beyond the scope of these Final EIR responses to the Draft EIR.

Response 31 B.

The comment describes how the commentor and her family moved to a very rural environment to escape smog, which caused the commentor's daughter to suffer from migraines. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to Section 4.3, AIR QUALITY AND CLIMATE CHANGE, of the Draft EIR for a detailed description of the Project's impacts to air quality. Ozone is a key ingredient of ground-level smog, and considered a regional pollutant.

Response 31 C.

The comment includes the commentor's opinion that there are plenty of houses in the region that are not selling. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 31 D.

The comment states that the commentor appreciates having her comments considered as part of the planning process for the Project and the Frazier Park Estates Project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 32

California Farm Bureau Federation
Natural Resources and Environmental Division
2300 River Plaza Drive, Sacramento, CA 95833-3293 - Phone (916) 561-5665 - Fax (916) 561-5691

NOTICE OF CHANGE OF ADDRESS

June 25, 2009

Craig M. Murphy,
Supervising Planner
KERN CO. PLANNING DEPT.
2700 M Street, Ste. 100
Bakersfield, CA 93301

Re: Tejon Mountain Village Specific and Community Plan

Dear Mr. Murphy:

Please take immediate notice that our address changed when we relocated our office nearly seven (7) years ago. The address you have on file (1601 Exposition Blvd., Sacramento, CA 95815) is not valid. All notices and documents should henceforth be addressed as follows:

California Farm Bureau Federation
Natural Resources & Environmental Division
2300 River Plaza Drive
Sacramento, CA 95833
Telephone: (916) 561-5665
Fax: (916) 561-5691

Thank you in advance for promptly updating your records accordingly.

Sincerely,

CHRISTIAN C. SCHEURING
Managing Counsel

CC: CSMmm
San Joaquin Valley
Air Pollution Control District

Fax Transmittal
1990 E. Gettysburg Avenue
Fresno, California 93726-0244
Finance Phone (559) 230-6020
Personnel Phone (559) 230-6010

Date: July 13, 2009
To: Craig M. Murphy
From: David McDonough
Fax Number: (661) 862-8601
Number of pages (includes cover sheet): 4

Description:
Comments on DEIR for the Tejon Mountain Village Project.

☐ Per Your Request
☐ Per Our Conversation
☐ Take Appropriate Action
☐ Please Answer
☐ For Your Information
☐ For Your Approval
☐ Review & Comment
☐ Review & Return
☐ Original transmittal will follow via mail

Remarks / Response:
The hardcopy will be mail out today.
Comment Letter 32. California Farm Bureau Federation (June 25, 2009)

Response 32 A.

Thank you for your comment. The comment provides the correct address for the California Farm Bureau Federation. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. The California Farm Bureau Federation's address will be updated as provided in the comment.
Comment Letter 33

From: Janet Bowell
To: Ovett, Lorelei H.
Date: 06/29/2009 10:24 AM
Subject: Fwd: Tejon Mountain Village

>>> <Welles217@aol.com> 06/27/2009 5:53 PM >>>

Kern County Planning Department:

This e-mail is to comment on the EIR for Tejon Mountain Village.

My wife and I are full time residents of Pine Mountain Club and we are in favor of development by Tejon Ranch know as Tejon Mountain Village. We have attended your informational meeting on June 18, 2009 in Lake of the Woods and we believe that Tejon Ranch as gone far beyond what should be expected of them so that they develop this small part of their land. The concession they have made so that they could develop their land appear to be far more than any other land owner has ever done in Kern County, California and even the United States, therefore, it seems unfair, even un American not to let them proceed.

We would encourage the Planning Department to move this Project forward to the Board of Supervisors.

Richard & Betty Welles
2317 Askin Court
PO Box 5314
Pine Mountain Club, CA 93222
(661) 242-2311

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Comment Letter 33.  Mr. and Mrs. Richard & Betty Welles  
(June 29, 2009)

Response 33 A.

Thank you for your comment. The commentors, Mr. and Mrs. Richard Welles state that they are residents of Pine Mountain Club and are in support of the proposed Project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 33 B.

The commentors note that they attended the informational meeting held on June 18, 2009, and that they believe that the applicant has "gone far beyond what should be expected of them so that [the applicant may] develop this small part of their land." The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 33 C.

The comment states that the Project applicant has made numerous concessions – far more than any other land owner has done in Kern County – in order to be able to develop the Project. The commentors believe it would be unfair and un-American to not let the Project proceed. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

Response 33 D.

The comment encourages the Planning Department to approve the Project so that it may subsequently be considered for approval by the Board of Supervisors. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.
Comment Letter 34

From: Diana Spencer <pardi65@hotmail.com>
To: MurphyC@co.kern.ca.us
Date: 07/05/2009 3:44 PM
Subject: Tejon Mt. Village

Hello, my husband and I went to the info meeting in Lake of the woods. We live in Frazier Park and after spending 10 years building our home, plan to spend the rest of our years here. My family bought property in the original subdivision, 1928, so our roots run deep.

We love the rustic nature of our mnt. communities. We don't see the layout of houses all in a row or circle, as pleasing to the eye. Twenty years of construction is not acceptable. We realize that the funding and planning of this project was started when loans were easy and money was cheap. Will this huge financial operation still be able to be finished or will it depend on each section selling to finance the rest. Whatever, I'm sure Kern Co. will not see the millions in tax revenue it is hoping for.

We realize the building will be done of private property and they can destroy the beautiful rolling hills if they want. Our votes go against destroying our serenity, and bring the crowded suburbs so close to our rural heaven.

Thank you,
Wait and Diana Spencer
POB 747
4112 Park Drive
Frazier Park, Ca. 93225

pardi65@hotmail.com

34-A
34-B
34-C
34-D

Insert movie times and more without leaving Hotmail®
Comment Letter 34. Mr. and Mrs. Walt and Diana Spencer (July 5, 2009)

**Response 34 A.**

Thank you for your comment. The commentors describe their home in Frazier Park, which they spent 10 years constructing, and their longstanding ties to the community. The comment notes that the commentors attended the recent information session in Lake of the Woods. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

**Response 34 B.**

The commentors note their love for rustic mountain communities, and state their objection to the layout of houses in a row or circle. Commentors also believe that a twenty-year construction period is not acceptable. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project. It should be noted, however, that the Project includes land use densities at one dwelling unit per seven acres, which is compatible with the land use densities of the existing mountain communities. In addition, approximately 80% of the Project site will be preserved as open space, with continued ranch activities. The Project will also preserve numerous existing geographical features such as Grapevine Creek, and prominent ridgelines.

**Response 34 C.**

The comment notes that the Project was started when "loans were easy and money was cheap"; the comment then questions how the project will be financed, and questions whether the Project will be completed based on existing financing or will rely on sale of each Project phase in order to fund subsequent phases. Mr. and Mrs. Spencer also state their belief that Kern County will not receive the tax revenues the Project is expected to generate. The comment is not directed at the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.

**Response 34 D.**

The comment states that the Project will be done on private property, where property owners can "destroy the beautiful rolling hills if they want." Commentors state that their vote is against destroying serenity, and "bringing the crowded suburbs to their rural heaven." The project includes a low density resort and not a suburban land use or density pattern. Although the comment is not directed at the adequacy or content of the Draft EIR, it is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration during deliberations on the Project.
July 6, 2009
Craig Murphy, Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

Re: Tejon Mountain Village DEIR

Dear Mr. Murphy:

The Quercus Group (QG) writes with comments regarding the Tejon Mountain Village (TMV) DEIR. QG review finds that the DEIR fails to acknowledge or comply with the 2007 California Air Resources Board (CARB) Forest Protocols measurement methodology to analyze and mitigate carbon biological emissions associated with the conversion of California native forests to non-forest use. Therefore, the DEIR does not provide the oak woodlands information necessary for informed public participation and informed decision making regarding greenhouse gas (GHG) environmental impacts or mitigation.

The State of California, United States government and world organizations have officially designated human caused carbon dioxide (CO2) emissions a grave health risk to mankind. California’s official GHG policy has placed a premium on conserving native forests, specifically recognizing the unique capacity of existing trees to naturally sequester large quantities of CO2 over time and the adverse public health effects of displacing that stored carbon back into the atmosphere when forests are unnaturally impacted. On April 13, 2009 the Governor’s Office of Planning and Research (OPR) forwarded to the Natural Resources Agency final regulatory amendments regarding California Environmental Quality Act (CEQA) analysis and mitigation for the potential effects of GHG emissions. OPR findings confirm that analysis/credit of carbon biological emissions due to the conversion of oak woodlands to non-forest use and the CARB Forest Protocols are integral to CEQA review.

CEQA Analysis

CEQA requires that the Lead Agency evaluate potential environmental effects based to the fullest extent possible on scientific and factual data. In the absence of defined thresholds, significance conclusions must be based on substantial evidence, which includes facts, reasonable assumptions supported by facts (CEQA Guidelines § 15064). Numerous scientific studies, establishment of the California Climate Action Registry Forest Protocols (2005), passage of Assembly Bill 32 (2006) and Senate Bill 97 (2007), CARB adoption of the Forest Protocols (2007), the OPR CEQA forest conversion guidelines (2009) and TMV impacts to thousands of native trees, provide the CO2 science, fact and law necessary for CEQA review of project carbon biological emissions.

DEIR: “No local, state, or regional agency has promulgated binding regulations for the treatment of GHG analysis or mitigation in CEQA documents...CARB, which is the principal California state agency charged with GHG reduction efforts under AB 32, has not prepared, recommended, or adopted a CEQA significance standard for GHG for residential, commercial, mixed use, resort, or similar land use projects...OPR, the agency charged with developing the CEQA Guidelines, has not established a significance threshold for GHG for use in CEQA documents...Neither the lead agency, the SJVAPCD,
CARB, nor any other lead agency with climate change expertise has adopted quantitative GHG emission significance thresholds to assess direct impacts from residential and commercial projects.” (4.3-63, 68, 100, 101)

Comment: The DEIR air quality-climate change analysis references the Kern County General Plan, the Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports and the San Joaquin Valley Air Pollution Control District Guide for Assessing and Mitigating Air Quality Impacts. None of the cited measures contain provisions that address CO₂ biological emissions and all prodate the CARB Forest Protocols and OPR CEQA amendments.

In fact there are quantitative standards to determine a threshold of significance for CEQA carbon biological emissions, the CARB Forest Protocols methodology. Due to two (direct and cumulative) CO₂ biological emission effects occurring for each tree impacted the threshold of significance for the conversion of oak woodlands is very low.

DEIR: “Development of the project site is likely to affect the existing carbon stock and CO₂ uptake of the land in the project area… In addition, the decomposition of removed vegetation would release CO₂ from stored carbon back into the atmosphere. The following analysis employed the IPCC Tier 1 methodology to determine changes in carbon sequestration due to land use change. Due to large uncertainty pertaining to this methodology, CO₂ emissions associated with land use change were not included in the project inventory.” (4.3-93)

Comment: Obviously the applicant was cognizant that CO₂ biological emissions due to the conversion of TMV forests represented a significant impact to be addressed in the DEIR. Unfortunately, the DEIR chose a generic international vegetation standard both inappropriate and unlawful for measuring oak woodland carbon emissions under CEQA. For CEQA review, the CARB Forest Protocols are the only state sanctioned methodology for measuring woodland CO₂ emissions.

DEIR: “The following sections outline the methods used in quantifying oak woodland habitat and canopy cover acreages for the TMV site.” (Appendix E-22)

Comment: Canopy cover percentage is the correct standard for evaluating oak woodland wildlife habitat; it is inapt for measuring woodland CO₂ biological emission effects, which are evaluated based on existing and potential carbon stocks for all native trees three inches or greater in diameter at breast height (dbh). This means specific field tree data collection is required for CEQA carbon emission impacts assessment and all reports that reference biological emissions must be substantiated with the oversight of a state registered professional forester certified by the California Climate Action Registry. Broad canopy cover interpretations derived from aerial photography or satellite imagery are irrelevant for CEQA forest CO₂ analysis.

CEQA significant oak woodland biological effects are the sum of habitat impacts and carbon emission impacts. Additionally, two CO₂ biological emission effects must be considered for CEQA review: (1) direct CO₂ emissions associated with the disposal of impacted trees and debris; (2) cumulative loss of carbon sequestration potential for impacted trees over the next 100 years. For TMV conversion of oak woodlands to non-forest use, the following CEQA greenhouse gas information is relevant for project review:

1. How much potential CO₂ sequestration over the next 100 years will be lost as a result of project impacts to live native trees three inches or greater dbh.

2. How much sequestered CO₂ will be released if the live trees (including roots), standing dead trees or downed-woody debris are burned or otherwise disposed?

3. How will project forest CO₂ biological emission impacts be proportionally mitigated?
Comment Letter 35, Cont.

CEQA Mitigation

TMV retention of residual onsite oak woodlands and the planting of trees represent wholly insufficient CO2 biological emission mitigation measures. Here’s why:

1. Retaining onsite oak woodlands under easements or deed restrictions are recognized CEQA habitat mitigation measures but these residual acres of native trees won’t start growing any faster, so they contribute nothing toward mitigating for the CO2 that would’ve been stored (lost photosynthesis) had the impacted trees lived.

2. Planting trees is an appropriate habitat mitigation measure but newly planted oaks don’t begin to sequester significant carbon for at least 20 years. Thus, they provide negligible mitigation for carbon biological emissions in the Assembly Bill 32 short-term (2020) and their Forest Protocols long-term (100 years) ability to store CO2 is greatly exceeded by the amount of carbon that would’ve been sequestered by the impacted trees over the same 100-year measurement period.

3. Residual onsite oak woodlands and tree planting provide no mitigation value for CO2 biological emissions associated with the disposal of the impacted trees.

Project design features that lessen CO2 impacts from fossil fuel use do nothing to mitigate carbon biological emissions due to a land use change that results in the loss of oak woodlands sequestration capacity and CO2 releases from the disposal of native trees. At best, these reduction mitigation measures only moderate the increase in new carbon emissions; existing oak woodlands actually significantly reduce CO2 in the atmosphere.

In fact it is infeasible to mitigate forest carbon biological emissions to less than significant. However, the Lead Agency must identify and adopt feasible CO2 mitigation measures or project alternatives to substantially reduce these adverse public health effects. It is the opinion of OG that “replacement” with biologically equivalent local oak woodlands outside the 26,417-acre project site is the most suitable means for TMV to proportionally lessen significant CO2 emission impacts in a meaningfully manner.

Summary

There is substantial evidence that Tejon Mountain Village will result in significant CO2 biological emissions and these serious environmental effects have not been properly analyzed or proportionally mitigated. Furthermore, the DEIR contains no native tree data for the oak woodlands impacted by the project. This makes intelligently determining air quality-climate change effects or the sufficiency of mitigation measures an impossible task for Kern County decision makers and general public. To rectify this situation the project must conduct a detailed forest inventory of the impacted oak woodlands and measure TMV carbon biological emissions using CARB methodology, then formulate proportional mitigation for CO2 impacts.

Sincerely,

[Signature]

Ron Cowan, Principal
Quercus Group

Attachment: OPR CEQA Guidelines
CEQA Guideline Amendments for Greenhouse Gas Emissions
CEQA Guidelines Appendix G
Environmental Checklist Form

EVALUATION OF ENVIRONMENTAL IMPACTS

II. AGRICULTURE AND FOREST RESOURCES … In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?
July 13, 2009

Craig Murphy, Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

Re: Tejon Mountain Village DEIR

Dear Mr. Murphy:

The Quercus Group writes with addendum comments to July 6, 2009 Tejon Mountain Village DEIR remarks. On July 3, 2009 the Natural Resources Agency began the formal rulemaking process for final California Environmental Quality Act amendments regarding greenhouse gas emissions by issuing its Initial Statement of Reasons. Natural Resources reasoning is germane to TMV native forest circumstances and Kern County should be aware that California’s forest carbon policy is founded on the “net present value” of carbon biological emissions – a CO2 biological emission avoided today is worth more than an emission avoided tomorrow. This and other forestry factors make fashioning proportional mitigation for oak woodland conversions the most complex of any GHG sector:

Appendix G. Initial Study Checklist - Forest Resources

“The proposed amendments would add several questions addressing forest resources in the section on Agricultural Resources. Forestry questions are appropriately addressed in the Appendix G checklist for several reasons. First, forests and forest resources are directly linked to both GHG emissions and efforts to reduce those emissions. For example, conversion of forests to non-forest uses may result in direct emissions of GHG emissions. (L. Wayburn et al., A Programmatic Approach to the Forest Sector in AB32, Pacific Forest Trust (May 2008); see also California Energy Commission Baseline GHG Emissions for Forest, Range, and Agricultural Lands in California (March, 2004) at p. 19.) Such conversion would also remove existing carbon stock (i.e., carbon stored in vegetation), as well as a significant carbon sink (i.e., rather than emitting GHGs, forests remove GHGs from the atmosphere). Thus, such conversions are an indication of potential GHG emissions. Changes in forest land or timberland zoning may also ultimately lead to conversions, which could result in GHG emissions, aesthetic impacts, impacts to biological resources and water quality impacts, among others. Thus, these additions are reasonably necessary to ensure that lead agencies consider the full range of potential impacts in their initial studies. In the same way that an EIR must address conversion of prime agricultural land or wetlands as part of a project (addressing the whole of the action requires analyzing land clearance in advance of project development), so should it analyze forest removal.

During OPR’s public involvement process, some commenters suggested that conversion of forest or timberlands to agricultural uses should not be addressed in the Initial Study checklist. (Letter from California Farm Bureau Federation to OPR, February 2, 2009; Letter from County of Napa, Conservation Development and Planning Department, to OPR, January 26, 2009.) As explained above, the purpose of the Proposed Amendments is to implement the Legislative directive to develop Guidelines on the analysis and mitigation of GHG emissions. Although some agricultural uses also provide carbon sequestration...
values, most agricultural uses do not provide as much sequestration as forest resources. (Climate Action Team, Carbon Sequestration (2009), Chapter 3.3.8 at p. 3.21; California Energy Commission, Baseline GHG Emissions for Forest, Range, and Agricultural Lands in California (2004), at p. 2.) Therefore, such a project could result in a net increase in GHG emissions, among other potential impacts. Thus, such potential impacts are appropriately addressed in the Initial Study checklist.

Consistent with section 15126.4(a), a lead agency must support its choice of, and its determination of the effectiveness of, any reduction measures with substantial evidence. Substantial evidence in the record must demonstrate that any mitigation program or measure is reasonably likely to result in actual emissions reductions. As a practical matter, where a mitigation program or measure is consistent with protocols adopted or approved by an agency with regulatory authority to develop such a program, a lead agency will more easily be able to demonstrate that off-site mitigation will actually result in emissions reductions. Examples of such protocols include the forestry protocols described above. Where a mitigation proposal cannot be verified with an existing protocol, a greater evidentiary showing may be required."

Sincerely,

Ron Cowan, Principal
Quercus Group
Comment Letter 35. Quercus Group (July 6, 2009)

Response 35 A.

Thank you for your comment. The Quercus Group (QG) expresses concern that the Draft EIR does not comply with CARB’s CCAR Forest Protocol to analyze and mitigate biological (land-use change) GHG emissions associated with the conversion of California native forests to non-forest use. Commentor expresses concern that the Draft EIR does not provide the oak woodlands information necessary for the CEQA review process and the GHG impacts analysis. Please refer to the Response to Comment 24-P3, regarding the Draft EIR's analysis of land use emissions.

It should be noted that the Forest Protocol provides guidance to account for and report GHG emission reductions associated with "forest projects." A forest project is a planned set of activities to remove, reduce, or prevent CO2 emissions in the atmosphere by conserving and/or increasing forest carbon stocks. Typical forest projects involve reforestation, improved forest management, or avoided forest conversion. The guidance is not intended to apply to non-forest, real estate development projects such as the proposed Project.

Response 35 B.

Commentor states that California, the United States, and the world have recognized the risks associated with CO2 emissions. Commentor is correct that risks associated with climate change are widely recognized. The Draft EIR recognizes these risks. Please refer to Global Response 7.5.2, Climate Change, for a discussion of the science of climate change, and various responses that have been taken to it.

Commentor believes that various California policies suggest the need to analyze biological emissions associated with oak woodland conversion in the Draft EIR by placing a premium on conserving native forests, and emphasizing the public health effects of discharging stored carbon into the atmosphere. It is worth noting that AB 32 – California's primary legislation to address GHG emissions – does not discuss carbon sequestration from forest conservation. The comment specifically identifies the Office of Planning and Research's proposed CEQA Guideline Amendments (Proposed Guidelines) to support the argument that California requires analysis of biological emissions of GHGs, and that the CARB Forest Protocol must be used for this analysis. It should be noted that the Proposed Guidelines are still in the rulemaking process and will not be adopted until 2010.

Commentor overstates OPR's Proposed Guidelines, as they do not mention carbon sequestration, nor do they indicate that forest conservation or carbon sequestration characterizing analysis and mitigation of carbon biological emissions due to the conversion of oak woodlands to non-forest is "integral" to CEQA review. Rather, Appendix G of the Proposed Guidelines, Section II, suggests evaluating potential impacts by considering whether a project would result in the loss or conversion of forest land (Appendix G, Proposed Section II(c)-(e)).

These potential impacts are considered in Section 4.4, BIOLOGICAL RESOURCES of the Draft EIR, in which potential impacts to oak resources are quantified, analyzed, and mitigated. Draft EIR at 4.4-442 to 4.4-445. As discussed in the Draft EIR, the Project includes an Oak Resources Management Plan (ORMP) that provides a comprehensive oak management program to manage, restore and enhance onsite oak-dominated habitats. The Project would preserve approximately 87% of the onsite oak canopy, which is well in excess of the requirements of Section 1.10.10 of the Kern County General Plan. A variety of other mitigation measures addressed in Section 4.4, BIOLOGICAL RESOURCES and Section 4.8,
HYDROLOGY AND WATER QUALITY, of the Draft EIR would further reduce the Project's impacts on oak resources. Given the substantial preservation of oak canopy, and the extensive mitigation approach, the Draft EIR concludes the Project's impacts on oak resources would be less than significant. Draft EIR at 4.4-445.

In addition, although Appendix G of the Proposed Guidelines does state that lead agencies may refer to, *inter alia*, "the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board," the Proposed Guidelines do not mandate use of this methodology for determining GHG impacts from a project. As discussed in Response to Comment 24-P3, the IPCC methodology employed in the Draft EIR represents an accepted approach for determining biological emissions associated with forest conversion, and is supported by substantial evidence.

That the Proposed Guidelines note that lead agencies may refer to forest protocols developed by CARB does not represent a mandate of their use. CEQA grants lead agencies broad discretion to determine the appropriate methodology for analyzing a project's environmental impacts. Substantial discretion is granted to lead agencies in determining what analytical methodology to utilize in evaluating CEQA impacts. *See e.g. O.W.L. Foundation v. City of Rohnert Park* (2008) 168 Cal.App.4th 568, 593 (declining to engage in a comparative analysis of various methodologies that may have been used to evaluate an impact, and stating that substantial discretion is given to agencies on this issue). The Resources Agency has recently emphasized the discretion left to lead agencies in determining the appropriate methodology to use for CEQA review: "CEQA leaves lead agencies wide discretion to, for example, choose the appropriate methodology to analyze specific impacts, evaluate evidence regarding the significance of an impacts, and choose appropriate mitigation for impacts identified as significant." California Natural Resources Agency 2009b.

The Draft EIR's use of the IPCC methodology is fully supported. Please refer to Response to Comment 24-P3 for a full discussion of the appropriate selection of the IPCC methodology for the Draft EIR.

**Response 35 C.**

Commentor states that CEQA requires evaluation of impacts based on the best available science and data. While it is true that CEQA encourages use of the best available science, as discussed in Response to Comment 35-B, above, CEQA permits lead agencies to determine the appropriate analytical methodology to utilize in evaluating impacts, as long as it is supported by substantial evidence. As discussed in Response to Comment 24-P3, use of the IPCC methodology for determining biological emissions associated with land use conversion is supported by substantial evidence. In addition, CEQA discourages speculation. *See CEQA Guidelines § 15145.* As explained in Response to Comment 24-P3 analysis of land use emissions associated with the Project involves a much higher degree of uncertainty than other GHG emission estimates. Thus, the Draft EIR appropriately concluded that including land use emissions in the GHG inventory for the Project was too speculative.

Commentor also correctly notes that, in the absence of defined thresholds of significance, significance conclusions should be based on substantial evidence, which includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." CEQA Guidelines § 15064(f)(5). Pursuant to CEQA Guidelines Section 15064(b)(1), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved. As explained in Global Response 7.5.2, Climate Change, consistent with CEQA, the Draft EIR adopts a threshold of significance of consistency with AB 32's emission reduction requirements; this significance threshold is supported by substantial evidence. The Draft EIR includes a thorough analysis of the GHG impacts associated with the proposed Project and concludes that the Project's climate change impacts are
significant and unavoidable. Including GHG emissions from land use change would not alter this conclusion.

This comment states that various documents provide the science, fact and law necessary to conduct CEQA review on biological emissions due to land use conversion. As noted in the Response to Comment 35-B, above, AB 32 does not mention carbon biological emissions, and OPR's Proposed Guidelines do not mandate analysis of GHG emissions resulting from land use conversion. Nor does SB 97, also cited by commentor, discuss land use conversion emissions. Although CARB's Forest Protocols do address emissions from land use conversion, as explained in Response to Comment 24-P3, and the Response to Comment 24-P3, above, the Forest Protocols do not prescribe a mandated approach to consideration of land use impacts in a CEQA analysis.

Please refer to the Response to Comment 24-P3. The Draft EIR includes discussion of the possible range of GHG emissions associated with land use conversion, though the Draft EIR properly concludes that including these emissions in the Project's GHG inventory would be speculative. Thus, the Draft EIR satisfies CEQA's mandate to determine significance thresholds and include analysis based on substantial evidence.

Response 35 D.

Commentor cites to the Draft EIR's discussion explaining that, currently, no agency has issued binding regulations or approved guidance regarding analysis or significance determinations for climate change impacts under CEQA, or mitigation of climate change impacts. The cited portion of the Draft EIR accurately states the status of guidance on climate change analysis. However, as discussed in Global Response 7.5.2, Climate Change, the Draft EIR nevertheless adopts a significance approach of consistency with AB 32's emission reduction mandates, and demonstrates the Project's compliance with this threshold.

It should be noted that the climate change significance approach in the Draft EIR is consistent with the SJVAPCD's recently-released Climate Change Action Plan: Addressing Greenhouse Gas Emissions Under the California Environmental Quality Act, Draft Staff Report (June 30, 2009) (Draft CCAP Report). SJVAPCD 2009a. The Draft CCAP Report includes four-step process for determining significance of a project's climate change impacts. The fourth step of this process provides that a project's climate change impacts are less than significant if the project's GHG emissions are quantified and the analysis demonstrates the project's ability to achieve AB 32's targeted emission reductions of 29% below business as usual (BAU). SJVAPCD 2009a at 56; see id. at 61. (See Global Response 7.5.2, Climate Change for a discussion of the definition of BAU.) As explained in Global Response 7.5.2, Climate Change, the Project is consistent with this threshold of significance.

Response 35 E.

Commentor notes that the Draft EIR refers to the Kern County General Plan, the County's Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports, and the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts. Commentor suggests reliance on these documents with regard to estimating biological impacts is inappropriate and notes that these documents predate the CARB Forest Protocols and OPR's Proposed Guidelines. The Draft EIR properly utilized these documents with respect to analysis of air quality impacts in the Draft EIR. However, these documents were not relied upon for the Draft EIR's climate change analysis; as suggested by commentor, these documents do not address climate change analysis under CEQA. Rather, the County considered various guidance being developed to address climate
change impacts under CEQA and determined the appropriate threshold of significance is compliance with 
the emission reduction mandates of AB 32.

In particular, consistent with OPR's Proposed Guidelines, the County exercised its discretion in selecting 
a climate change significance threshold of consistency with AB 32's emission reduction requirements, and 
the Draft EIR includes a thorough evaluation of the Project's potential GHG emissions, and considers 
whether these emissions would create a cumulatively significant impact. As noted in Response to 
Comment 35-D, above, this approach is also consistent with the SJVAPCD's Draft CCAP Report.

With respect to GHG emissions associated with land use conversion, as discussed in the Response to 
Comment 24-P3, the Draft EIR employed the IPCC methodology – which represents an accepted 
approach to determining land use emissions – and appropriately determined this analysis was too 
speculative to include in the GHG inventory.

Response 35 F.

Commentor states that the CARB Forest Protocol represents a quantitative standard available to 
determine a threshold of significance for biological emissions due to land use conversion, and that the 
appropiate threshold of significance is very low. Commentor appears to confuse the question of analysis 
under CEQA with the determination of significance. While the Forest Protocol may provide assistance in 
quantifying the emissions of GHGs resulting from land use conversion (although, as discussed in the 
Response to Comment 24-P3, the Draft EIR properly utilized the IPCC methodology), it does not 
represent a significance threshold. Rather, a significance threshold is a qualitative or quantitative 
standard against which a project's impact can be measured to determine its significance. As discussed in 
Global Response 7.5.2, Climate Change, the Draft EIR utilizes a significance threshold of consistency 
with AB 32's emission reduction requirements, which is supported by substantial evidence.

This significance threshold was employed to determine whether the Project's climate change impacts as a 
whole would be significant. Commentor seems to suggest the EIR should analyze biological emissions 
due to land use conversion as a separate impact, independent from the rest of the Project's GHG 
emissions. However, CEQA considers the impacts of a project as a whole, and encourages an expansive 
analysis of a project's impacts. For example, criteria pollutant emissions are considered in the aggregate 
and compared against quantitative thresholds to determine significance. This is particularly appropriate in 
the context of GHG emissions, which contribute to the cumulative problem of climate change. Treating 
each component of GHG emissions as a separate impact of the Project would result in segmentation, in 
violation of CEQA. See, e.g., Orinda Ass'n v. Board of Supervisors (1986) 182 Cal.App.3d 1145, 1171 
(lead agency may not split large project into small pieces in order to avoid environmental review of the 
whole project).

This comment also suggests that the Project would separately contribute biological emissions on a direct 
and cumulative basis. As explained above and in Global Response 7.5.2, Climate Change, because 
climate change impacts cannot be attributed to an individual project, consideration of impacts at a 
cumulative level is appropriate but Project-specific emissions are quantified, evaluated, and mitigated.

Response 35 G.

Commentor cites to the Draft EIR's discussion of the uncertainty associated with the estimates of land use 
emissions from the Project. Please refer to the Response to Comment 24-P3 and Response to Comment 
35-C, above, regarding the speculative nature of these estimates.
Response 35 H.

Commentor states that the Project applicant must have been aware that biological emissions the Project represent a significant environmental impact, and expresses concern that the Draft EIR used a generic international vegetation standard to measure emissions from land use change. Commentor states that this method is unlawful and inappropriate for CEQA analysis, and that the CARB forest protocols provide the appropriate methodology.

As discussed in Response to Comment 24-P3, above, the Project's impacts on climate change were analyzed as a whole; the Draft EIR concludes the Project's impacts will be significant and unavoidable.

Regarding the selection of methodology used to measure land use emissions, please refer to Response to Comment 24-P3. The CARB Forest Protocols do not represent the only state-sanctioned methodology for determining land use emissions. The IPCC methodology is appropriate for CEQA analysis. As discussed in Response to Comment 35-B, above, CEQA affords agency broad discretion to determine the appropriate methodology for evaluating environmental impacts.

Response 35 I.

Commentor states that canopy cover is not appropriate for measuring emissions from land use change and that specific field data collection is required for CEQA analysis. Commentor also states that CEQA review must contain emissions associated with vegetation removal. Please refer to the Response to Comment 24-P3.

This comment includes an accurate quote from the Draft EIR from Appendix E-1, which supports the analysis performed in Section 4.4, BIOLOGICAL RESOURCES. The analysis performed in this section differs from the analysis performed for GHG emissions. For a discussion of methodology regarding GHG emissions due to land use change, please refer to the Response to Comment 24-P3.

Commentor also states that, for purposes of CEQA, significant oak woodland biological effects are the sum of habitat impacts and carbon emission impacts. CEQA analyzes individual impacts that a project will have on various components of the environment (e.g., air quality, water resources, biological resources, traffic, etc.). Accordingly, the Draft EIR considered the impact of loss of oak woodlands in both the analysis of biological impacts, and the analysis of climate change impacts. As discussed in the Response to Comment 35-F, above, with respect to climate change impacts, the Draft EIR appropriately considered the Project's impacts as a whole, and did not segment individual components of it.

Commentor also states that CEQA review must address the potential loss in CO2 sequestered over the next 100 years as a result of Project impacts on existing vegetation in the Project vicinity.

It is difficult to determine the effect of removing vegetation in the Project vicinity on the natural progression carbon sequestration rates for different land types (i.e. the rate of growth and decay of biomass and associated sequestration rates vary widely among vegetation types and environmental conditions). As a result, estimating emissions from land-use change requires methodology that is far more uncertain and speculative than for other classes of emissions. This difficulty in determining the effect of removing vegetation in the Project vicinity applies to both short term (10 to 20 year) and long term (100 year) timescales. For the purposes of the Draft EIR analysis, the average transfer rate of carbon into dead organic matter was assumed to be equal to the average transfer rate of carbon out of dead organic matter. IPCC 2006. Consequently, the change in sequestration rates due to land use change is assumed to be zero. For further discussion on this topic, please refer to the Response to Comment 24-P3.
According to the U.S. Department of Energy (U.S. DOE), over a 100 year timescale, 20 year old oak trees sequester approximately 50% more CO₂ from the atmosphere than newly planted oak trees. U.S. Department of Energy 1998. The U.S. DOE report presents a wide range in sequestration rates because sequestration rates differ by species and are average values representing many sites. Consequently, these sequestration rates do not necessarily apply to the Project site. Due to the uncertainties involved in this analysis, emissions associated with carbon sequestration were estimated in the Draft EIR for informational purposes but were not included in the Project GHG inventory.

Response 35 J.

Commentor states that the EIR's analysis of forest conversion should discuss how biological emission impacts from the Project would be proportionally mitigated. As discussed in the Response to Comment 35-F, above, climate change impacts – and the associated mitigation – of the Project were properly considered as a whole. Please refer to Global Responses 7.5.2, Climate Change regarding the mitigation approach for the Project. The Project will ensure its GHG emissions, as a whole, are reduced by at least 29% below BAU.

Response 35 K.

Commentor suggests that the retention of residual oak woodlands and the planting of trees represent insufficient mitigation for biological emissions resulting from land use conversion. The Draft EIR does not suggest planting trees to mitigate impacts from land use conversion. Rather, tree replacement is proposed as a mitigation measure for the Project's biological impacts related to oak tree resources. DEIR at 4.4-397. In fact, the Draft EIR notes that, although the Project would ultimately result in a net increase of trees, the addition of vegetation and associated sequestration was not quantified. DEIR at 4.3-94. Thus, the informational analysis of land use emissions does not seek to claim mitigation credit for tree planting, and likely overstates the Project's biological emissions resulting from land use conversion. Please refer to the Response to Comment 24-P3 for further discussion of mitigation and Project design features related to land use changes.

In addition, as explained in the Response to Comment 35-J, above, the Project's mitigation approach is for GHGs as a whole; it is not limited to and individual component of GHG emissions.

Response 35 L.

Commentor expresses concern about the mitigation potential of retaining oak woodlands, residual onsite oak woodlands, and tree planting in relation to land-use change emissions. Please refer to the Response to Comment 24-P3.

Commentor states that retaining onsite oak woodlands does not mitigate CO₂ that would have been stored in the absence of vegetation removal resulting from the Project’s land use change impacts.

Commentor is correct that preserving oak woodlands would not result in additional GHG mitigation compared to the No Project scenario. However, the Draft EIR does not claim additional GHG reductions from this requirement. Estimates of CO₂ released due to land clearing and the subsequent changes to sequestration are considered speculative without in depth biological studies on site (please refer to the Response to Comment 24-P3 and the Response to Comment 35-I, above).

Commentor indicates that planting oaks is an adequate mitigation measure for habitat conservation, but states that newly planted oaks do not begin to sequester carbon for at least 20 years and therefore provide negligible carbon mitigation for land-use change emissions and will not help meet AB32 goals for 2020.
The commentor also states that the carbon sequestered by impacted trees would greatly exceed carbon sequestered by newly planted trees over a long-term (100 year) measurement period.

The Draft EIR does not claim GHG reductions from planting oak trees, even though these new oak trees will sequester carbon within the first 20 years of life. U.S. Department of Energy 1998. According to the U.S. Department of Energy (U.S. DOE), during the next 20 years of its life, a 20 year old oak has the potential to sequester approximately 2-3 times as much CO2 than a newly planted oak tree can sequester in those same 20 years. Similarly, as mentioned above, over a 100 year timescale, newly planted oak trees do sequester CO2 from the atmosphere, though considerably less (~50%) than existing oak trees. U.S. Department of Energy 1998.

As mentioned above, the U.S. DOE report presents ranges of sequestration rates because these sequestration rates differ by oak tree species. In addition, these sequestration values are averages over many sites. As such, these sequestration rates do not necessarily apply to the Project site. As a result, and as mentioned in Response to Comment 24-P3, estimating emissions from land-use change requires methodology that is far more uncertain and speculative than for other classes of emissions, and was estimated in the Draft EIR for informational purposes, but was not included in the Project GHG inventory.

Response 35 M.

Commentor states that reduction in GHG emissions from fossil fuel use does not mitigate biological emissions resulting from land use conversion. As explained in Global Response 7.5.2, Climate Change, and in the Responses to Comments 35-J and 35-K, above, the Project's mitigation approach requires an overall reduction of GHG emissions of at least 29% below BAU. While it is true that reducing GHG emissions associated with fossil fuel use will not replace the CO2 released in the atmosphere as a result of land use conversion, as climate change is a cumulative phenomenon, mitigating for its impacts need not involve a direct relationship between the source of the impact and the source of the reduction. Please refer to the Response to Comment 24-P3 for further discussion of mitigation and Project design features related to land use changes.

Response 35 N.

Commentor also states that existing oak woodlands are a significant CO2 sink. Although oak woodlands sequester CO2 from the atmosphere, they also emit CO2 as trees die and decompose. The balance between sequestration and emission of CO2 in oak woodlands depends on a multitude of site-specific variables, including: oak species, environmental conditions, soil conditions, below-ground biomass, oak tree survival rates, and CO2 emission rates associated with oak biomass decomposition. Due to these many variables consistent with the IPCC guidance, the Draft EIR analysis assumes that the change in sequestration rates due to land use change is zero. IPCC 2006. For further discussion of sequestration, please refer to the Response to Comment 24-P3 and Responses to Comments 35-I and 35-L. However, it should be noted that the Project's ORMP will not only result in preservation of existing oak resources, but also in restoration and enhancement of them, which will likely improve their long-term carbon sequestration potential.

Response 35 O.

Commentor notes that, while carbon biological emissions cannot be mitigated to a less than significant level, the lead agency must adopt all feasible mitigation measures to reduce the Project's impacts.
assessed with these emissions. Commentor states its belief that oak woodlands removed for the Project should be "replaced" by biologically equivalent woodlands in the vicinity of the Project.

As explained in the Responses to Comments 35-J, 35-K, and 35-M, consistent with CEQA's approach to analysis and mitigation of environmental impacts, the Project mitigates for GHG impacts as a whole; individual sources of GHG emissions are not individually mitigated. Please refer to Global Responses 7.5.2, Climate Change regarding the Project's mitigation approach. The Project will reduce GHG emissions by at least 29% below BAU. Although the Project's mitigation commitment satisfies the significance threshold of consistency utilized for the Project, because achieving the overall emission reduction goals of AB 32 will require actions by third parties, the Draft EIR concludes the Project's impacts are significant and unavoidable. However, as explained in Global Response 7.5.2, Climate Change, because the Project includes its fair share mitigation obligation, no further mitigation is required. Please refer to the Response to Comment 24-P3 for further discussion of mitigation and Project design features related to land use changes.

Commentor's recommendation for including replacement trees as a mitigation approach is noted and included in the record for considerations by the Planning Commission and Board of Supervisors. Please refer to Response to Comments 35-B and 35-N, above. The Project includes a detailed ORMP, which will result in preservation, management, and enhancement of the existing oak resources at the Project site.

It should be noted, however, that commentor's suggested mitigation does not make logical sense. If, as the commentor asserts, the Project would produce net CO2 emissions as a result of the loss of sequestration potential and if the planting of replacement trees would be inadequate, then the commentor's suggestion of replacement with equivalent oak woodlands outside the Project site would not result in avoidance of the impact. In the context of commentor's letter, "replacement" would be the preservation of existing oak trees. Preserving an equivalent number of oak trees elsewhere would not change the Project's impact because it would not increase sequestration in an amount equivalent to the sequestration potential that is lost as a result of the Project. Instead it would simply retain the existing sequestration potential of the offsite preservation area.

Response 35 P.

Commentor repeats its belief that there is substantial evidence that the Project will result in significant biological emission impacts, which have not been properly analyzed or mitigated. Please see the Responses to Comments 35-A through 35-O, above. The Draft EIR properly analyzed GHG emissions as a whole and has included sufficient mitigation for this cumulative impact. Included in the climate change impacts analysis is an informational discussion of the Project's potential GHG emissions resulting from land use conversion. However, due to the speculative nature of this analysis, it was not included in the GHG inventory for the Project. The Draft EIR's analysis of climate change impacts as a whole, and of land use emissions in particular, complies with CEQA.

Response 35 Q.

Commentor expresses concern that the Draft EIR does not contain native tree data for oak woodlands impacted by the Project. Please refer to the Response to Comment 24-P3.

Response 35 R.

Commentor believes that the Draft EIR's absence of native tree data for oak woodlands impacted by the Project prevents a complete determination of the Project's impacts and identification of sufficient mitigation measures. It should be noted that the Draft EIR includes a detailed assessment of native tree
data for oak woodlands, and the Project's potential impacts on them. See Draft EIR, Appendix E-1, Appendix G. This data was utilized for the biological resources analysis for the Project discussed in Section 4.4, BIOLOGICAL RESOURCES. However, native tree data was not utilized for the analysis of the Project's potential GHG emissions resulting from land use changes, as discussed in Response to Comment 24-P3, and the Responses to Comments 35-A through 35-Q, above. The Draft EIR includes a thorough analysis of the Project's climate change impacts, and an appropriate discussion of emissions resulting from land use conversion, as well as an identification of sufficient mitigation measures. Kern County decision makers and the general public have been provided with sufficient information as required by CEQA.

Response 35 S.

Commentor states that the County must conduct a detailed forest inventory of impacted oak woodlands and measure GHG emission associated with land-use change using CARB forest protocol methodology. Please refer to the Response to Comment 24-P3.

Response 35 T.

Commentor states that proportional mitigation measures should be formulated to address the biological emissions quantified using CARB's Forest Protocols. Please refer to the Responses to Comments 35-A through S, above. The Draft EIR's use of the IPCC methodology is supported by substantial evidence. The analysis and mitigation of the Project's climate change complies with CEQA.

Response 35 U.

Commentor includes an excerpt from Appendix G of the Proposed Guidelines, regarding "Agriculture and Forest Resources." The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to Response to Comments 35-B, above, for a discussion of these proposed revisions to Appendix G of the CEQA Guidelines. Additional comments raised regarding Appendix G of the Proposed Guidelines are addressed below.

Response 35 V.

Commentor provides an addendum to its comments submitted on July 6, 2009, discussed in Response to Comments 35-A through 35-U, above. Commentor notes that, on July 3, 2009, the California Natural Resources Agency began the formal rulemaking process for the Proposed Guidelines, discussed above. According to commentor, the Natural Resources Agency's reasoning is relevant to native forest circumstances for the proposed Project. Commentor is correct that, on July 3, 2009, the Natural Resources Agency released, "Initial Statement of Reasons for Regulatory Action: Proposed Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97" (Resources Agency ISR). California Natural Resources Agency 2009a. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Commentor also states that the County should be aware that California's forest carbon policy is founded on the "net present value" of carbon biological emissions, i.e., that biological emissions of GHG avoided now is worth more than an emission avoided in the future. According to commentor, this concept suggests that fashioning proportional mitigation for oak woodland conversions is the most complex of any GHG sector. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. However, it should be noted that the Resources Agency ISR does not refer to a state policy of "net present value" with respect to carbon biological emissions. Nor does the Resources Agency ISR discuss the higher value of avoiding biologic GHG emissions now instead of the future.
Response 35 W.

Commentor includes a quotation from the Resources Agency ISR discussion regarding proposed amendments to Appendix G of the CEQA Guidelines with respect to forest resources. Commentor correctly cites this discussion. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Please refer to Response to Comment 24-P3, and 35-B, above. As discussed in the Resources Agency ISR, forest and forest resources are related to both GHG emissions and efforts to reduce these emissions. The Draft EIR includes a detailed discussion of the Project's potential impacts on oak resources in Section 4.4, BIOLOGICAL RESOURCES, and concludes that these impacts would be less than significant with mitigation. The Draft EIR also includes an informational discussion about the potential GHG emissions resulting from land use conversion in Section 4.3, AIR QUALITY AND CLIMATE CHANGE. However, as discussed in Response to Comment 24-P3, due to the speculative nature of these estimates, GHG emissions resulting from land use conversion was not included in the GHG inventory for the Project.

The cited portion of the Resources Agency ISR also discusses comments received by OPR during the public comment period suggesting that conversion of forest or timber lands to agricultural uses should not be addressed in the Initial Study checklist. The Project would not involve conversion of forest or timber lands to agricultural uses.

Response 35 X.

Commentor includes a quotation from the Resources Agency ISR discussion of Proposed Guidelines section 15126.4, "Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

As discussed in the Resources Agency ISR, OPR's Proposed Guidelines include a non-exhaustive list of five general methods of mitigation available to address a project's climate change impacts. One of these methods is measures that sequester carbon. In its discussion of this potential mitigation approach, the Resources Agency ISR notes that a lead agency must support its choice and determination of the effectiveness of mitigation measures with substantial evidence. The Resources Agency ISR notes that consistency with protocols – including the CARB forestry protocols – adopted by agencies with regulatory authority to adopt such protocols may be used to demonstrate the effectiveness of mitigation measures. Please refer to Global Response 7.5.2, Climate Change. The Project includes mitigation commitments in compliance with CEQA, which is supported by substantial evidence. Consistent with Proposed Guidelines section 15126.4, in order to satisfy its mitigation obligations, the Project may comply with mitigation measures identified in a plan, such as a Climate Action Plan adopted by the County; incorporate project design features; require off-site mitigation; and/or commit to carbon sequestration. The discussion in the Resources Agency ISR cited by commentor does not suggest that carbon sequestration should be given preference over other forms of mitigation. However, as discussed in Response to Comment 35-B, above, the Project does incorporate extensive measures to preserve, maintain and enhance the oak resources at the Project site.
Comment Letter 36

Comments on Tejon Mountain Village

I am requesting that if this development is approved that mitigation of emission of light be included. I am an amateur astronomer and use the Mount Pinos parking lot near the top of the mountain. This is at 8300 feet and the north side of the lot is in Kern County. This is the best site for amateur astronomy in southern California because of its high altitude and dark sky. Another advantage is that it is not used by anyone other than astronomers at night because the campground is several miles away and has its own parking areas. On the weekend in the month when the moon is not up the lot is full of people and telescopes plus those who come up to look in other people’s telescopes. A big glow in the East will force us to drive further to Red Rock Canyon State Park campground or further north.

Building thousands of homes including street lights and a sport complex and industrial areas will add a large glow of light to the East of Mount Pinos. If this must be done lights that are lower level of brightness and aim the light toward the ground instead of in all directions can be used. This will reduce the light pollution and also save energy. The city of Flagstaff Arizona has required these types of lights to save the local skies for local observatories.

There are also other amateur astronomy sites in Lockwood Valley. The Los Angeles Astronomical Society (LAAS) has a 5-acre site with 50 concrete pads used by members. I use this site also. We have good relations with adjoining property owners who turn off their porch lights when we are there. There is a site west of the LAAS site that has about 12 privately owned observatories that people from city areas with bright light have built up over the years that will also be impacted by this development. Another group, called the Polaris Observatory, has a site to the east of the LAAS site and they also have spent a lot of money building up a group of amateur observatories.

Please consider light emission mitigation measures if this development is to be approved over other objections.

Grant Mills
P. O. Box 274
Camarillo, Ca
93011
Comment Letter 36. Grant Mills (NO DATE)

Response 36 A.

Thank you for your comment. Mr. Mills requests further mitigation of Project light sources to avoid impacts to astronomers on Mount Pinos. The comment also discusses the commentor's and others' use of Mt. Pinos for amateur astronomy, and the advantages of this location for such activities. In response, commentor is referred to Response 24-F5.

Response 36 B.

Mr. Mills states that building thousands of homes including street lights, a sports complex, and industrial areas, will "add a large glow of light" east of Mt. Pinos. The Project will not include street lights except at intersections (see Mitigation Measure 4.1-4), the Project does not include a sports complex or industrial areas (see Draft EIR, Section 3, Project Description), and the golf courses will not be lighted (see supplemented Mitigation Measure 4.1-5). Light and glare impacts from homes will also be mitigated via Mitigation Measure 4.1-5 (requiring all external lighting fixtures to be permanently hooded or screened) and the Design Guidelines. Please refer to Response to Comment 24-F5 for further information on nighttime lighting.

Response 36 C.

Commentor suggests that to the extent that there must be Project lighting, that it be low-intensity and aimed toward the ground, which will also save energy. Commentor refers to the city of Flagstaff as a jurisdiction that has lighting restrictions that protect astronomy. As discussed in Response to Comment 24-F5 above, this is required via Mitigation Measure 4.1-5 as well as the Master Design Guidelines.

Response 36 D.

Commentor describes other amateur astronomy sites in and near to "Lockwood Valley," cooperative relationships with landowners in these areas, and how these and other amateur astronomy sites have been impacted by lights over the years. It is presumed that commentor is referencing Lockwood Valley, Ventura County, and to the extent commentor is sharing these experiences with the County for comparative purposes, this comment is noted will be provided to the Planning Commission and Board of Supervisors. To the extent commentor is concerned about potential Project light and glare impacts on these other locations, these locations are outside of the region evaluated for potential Project impacts, and commentor is referred to Response to Comment 24-F5 regarding potential Project impacts on observatories located closer to the Project.

Response 36 E.

Commentor requests that the County consider light emission measures if it approves the Project. Commentor is referred to Response to Comment 24-F5, regarding the numerous lighting restrictions, guidelines and mitigation measures that the Project would implement to minimize potential light and glare impacts.
Comment Letter 37

Mr. Eric Anderson
661 245-5929
Frazier Park, CA
93225

Response to Public Presentation for the proposed Tejon Mountain Village

As a 6 year resident of the Mountain Communities and a 6th Generation Californian here are some of my thoughts on the proposed Tejon Mountain Village. I did attend the TRC presentation at our local High School.

1.) The Katarina Effect: I thought it was ironic that Mr. Stein asked for a moment of silence for the victims of Katrina at the beginning of the presentation. The founders of New Orleans located their City in an extremely vulnerable place, and in the last century billions of dollars have been spent trying to make it work. Now TRC wants to locate a huge development at the intersection of the two most active faults in California. Just across the freeway is the epicenter of the largest recorded earthquake to occur in California. An 8 on the Richter Scale! We ignore Nature at our own peril! If this development goes forward I have several questions:

A.) Who will be responsible for infrastructure repairs (after a quake) to this newly constructed Village? That would include underground sewer, electrical, telephone, and roads.
B.) Will it be the county? Will it be the Federal Government?
C.) Will these responsibilities for reconstruction be spelled out in a document available for public review?
D.) Will TRC put funds in an escrow account to cover this eventuality and maintain these funds into the future, regardless of Corporate and Private ownership?
E.) How would prospective buyers be fully informed about the potential earthquake hazard of living in the "Village?"
F.) I noticed on the map at the presentation many homes around the lake. Will potential liquefaction be studied before these homes are built?
Comment Letter 37, Cont.

G.) Attached please find a description of the shaking that would occur in this kind of seismic event, taken from a Kern County EIR (Cuddy Valley.)

2.) Public Access, Public Monies: At the end of the presentation it finally became public knowledge that the intention is for the Village to be a gated community. This is an ongoing flaw in TRC planning. TRC is asking for public funds to create parkland. This is in areas that cannot be developed. But the Parkland will have no public access. Why would local residents of the Mountain Communities support a project that will burden to their school system, their roads, and their backyard recreation areas, but gives them no access to the Parkland that the citizens of California will be paying for?
   A. Will TRC set these public funds aside, so that they will be used wholly for administration of the state parkland, and not be used for development?
   B. Will TRC open up this Parkland for public use?

3.) Water: TRC talks about their “Vision” for the preservation of California. How far into the future does their vision go? This Village relies on the California State Water Project for 60% of its water needs. This water is almost entirely runoff from Sierra Nevada snowmelt. Looking into the future, we know that Greenhouse Warming will decrease the snow pack significantly. Where will the residents of the “Village” get their water from then? This issue must be taken into account. We must begin to consider the long-term consequences of our actions. The Bush administration is now confronting the reality that we are in a period of unprecedented climate change.

4.) Archeology, Native Californians, the Lake. Tejon Ranch Corporation makes a good show of preserving the many archeological sites around Castac Lake. But the reality of it’s past actions runs counter to these proposals. To find out how TRC will behave in the future we must examine it’s past actions. This includes artificially raising the water level of the lake, renaming the lake, covering the many burial and village sites around the lake with water, and then dredging these areas.
Comment Letter 37, Cont.

A. Were any County, State, or Federal permits pulled to do this work?

B. Will TRC take responsibility for it’s past actions in this regard?

C. What was destroyed in the lake area?

D. How has damming the lake changed creek flows in the area?
   Was flooding at El Tejon Middle School last year a result of the alteration of Castac Lake?

E. I have attached an excellent article by local scientist Doug Peters. Please include it in the EIR.

F. Will the EIR include a water study, as described in the article?

5.) California’s housing Shortage. California is in the midst of an affordable housing crisis. This Village does little to ease our housing crisis, but creates all the problems that development brings. Traffic Congestion, Crowded Schools, Air Pollution, a strain on County Services, all of these impacts for housing that is unaffordable for most Californians.

   A.) Will the residents be part time or full time? How will that affect TRC’s EIR?

   B.) How will residency be reliably predicted?

6.) Condors, Hunting, Lead Bullets, Habitat. TRC wants to create a Condor Preserve within the proposed public parkland. But this is difficult to imagine given the level of development proposed. The Ranch property is dotted with newly constructed “Hunting Cabins.” Hunters are still allowed to use lead bullets. This has proven fatal to many of the endangered Condors. Many of the proposed home sites are situated along the ridges above Beartrap Canyon. These ridges are ideal for Condor habitat, according to the experts I spoke with. Once again we must examine TRC’s past actions in regard to the Condor. The death of a Condor on a TRC sponsored and supervised hunt should be a cautionary tale for anyone involved in permitting this project.

   A.) Will the county consider input from other sources and not rely solely on the experts hired by TRC?
7.) **Wildlife Corridors:** Tejon Ranch lies at the intersection of 5 major bioregions. Animals and plants have moved from one region to the other, creating and maintaining Southern California’s regional bio-diversity. The ranch property is a Southern Californian Rainforest, with its own extremely unique and fragile ecosystem. I have a friend whose son was studying plants on ranch property some years ago. His thesis was on plants that were previously undiscovered and unnamed. When TRC laid out their maps, it seems the wildlife corridors were not considered. The experts I have spoken with, and the lectures I have attended indicate that the wildlife corridors go right through the proposed Village sites.

   A.) Will Kern County consider input from other Wildlife Corridor Experts and not rely solely on the experts hired by TRC?

   B.) Will TRC make public all studies ever conducted on Ranch Property, so that the public, State, Federal, and County Governments can make an informed decision about the future of this important public parkland?

8.) **Forever is a long time.** At the public hearing TRC officials spoke about the 5-acre parcels of land that each home would have. A portion of these parcels is proposed to remain “undeveloped in perpetuity.”

   A) What guarantees can TRC actually provide that this would be so?

   B) Who will oversee these guarantees into the future, if there is a change in ownership of TRC?

9.) **Anthrax.** There are persistent rumors about an Anthrax outbreak on Ranch property.

   A.) Will TRC please reveal the location and other details of the outbreak, so that the public can be informed and the site can be tested for the public health?

10.) **Wildfire Protection cost.** Southern California is a wildfire area. Significant acreage in the areas adjacent to the proposed “Village” site has burned in the last two years. The proposed housing sites are spread over a large amount of land; this presents real challenges and dangers for Fire Fighters. Most fires in our area
Comment Letter 37, Cont.

...are human caused. What are the protection costs for human life and property in the proposed development?

A.) Will TRC agree to fund an escrow account to pay for the eventuality of a wildfire in their Village and surrounding areas, given that this large, sparsely inhabited area is an increased burden to Fire Resources?

B.) Will the EIR study the potential risks and costs associated with Fire Protection in the development?

C.) Will the EIR study the likely scenario of a wildfire following an earthquake?

11) El Tejon Middle School, release of dust. What guarantees can TRC give us that grading will not release dust into our middle school, affecting the children there. Will soil in the Village area be tested for Valley Fever before grading begins?

12) Cumulative EIR with State Input, taking into account all proposed development in Tri County Areas: Centennial, Fallingstar.

13) Loss of our rural lifestyle.

14) Light Pollution.

15) Traffic, required Study the impact of Local Traffic on Interstate Commerce. Does Commercial Traffic take precedence over local impacts?

Frequent Closures of Route 5 in the past year.

16) Air Pollution
4. Even though the fault

5. The trace of the Garlock fault intersects the San Andreas fault at the property. The trace of the Big Pine fault intersects the San Andreas fault about

6. The general area is considered to be very seismically active. The property is subject to severe ground shaking and possible surface readjustment in the event of a maximum magnitude earthquake along the San Andreas, Big Pine, or Garlock fault. A peak horizontal acceleration during such an event might be as high as 1.00+ gravity at the property. According to the Modified-Mercalli Intensity scale, intensities could be in the X range. Damage could include: most masonry and frame structures destroyed with their foundations and some-well built wooden structures and bridges destroyed; serious damage to dams, dikes, and embankments; and large landslides. If intensities exceed X (XI to XII) damage could include: rails bent; underground pipelines completely out of service; damage to structures could be nearly total; large rock masses displaced; and objects thrown into the air.

7. This author believes the San Andreas fault is the most likely to move during the lifetime of the project and it should be considered the design fault.
 Hunters Ignored Lead Bullet Rebate Experiment to Protect Condors, Eagles

"Get the Lead Out" Campaign Flopped Once, But May Return

By Matt Dzierz, with update and research by Patrik Hedlund

The "Help Get the Lead Out Rebate Program" was an attempt to encourage hunters to switch from traditional lead ammunition to newer lead-free bullets made from copper and other metals.

The U.S. Forest Service pushed for the switch because lead, a highly toxic substance, has been shown to have a severe impact on the welfare of non-game wildlife. The rebate offer was developed two years ago, in 2003, in the Los Padres National Forest, which is home to protected species like the golden eagle and the endangered California condor.

The Swopa Condor Sanctuary is also located in the Los Padres National Forest. The sanctuary does not restrict the movement of the condors. They are free to move the surrounding area, so raptors are frequently found inside the hunting zone, putting the endangered birds at risk for coming into contact with lead ammunition. At least one condor has been confirmed to have died from lead poisoning.

When a hunter using lead ammunition shoots a game animal, fragments of the bullet remain in the animal even after the hunter has cleaned it and takes the meat. If not buried properly, the carcass may eventually serve as a meal for condors or other scavengers. Any animal that feeds on a carcass may ingest lead from the bullet fragments, eventually leading to severe sickness or death.

Tejon Ranch Company conducts commercial hunts on its property. Because the ranch also contains prime golden habitat, local Sierra Club members have proposed that TBC mandate an end to the use of lead ammunition during its hunts.

Two golden eagles were necropsied in the southeast part of the Los Padres National Forest this year, both ill from suspected lead poisoning. At least two other potential cases were reported, but the birds were destroyed before tests could be conducted. A team of Pine Mountain residents, including PMC Patrice's Cindy Bishop and Humane Officer Patrick Stimpson, worked voluntarily to save the life of one golden found in Pine Mountain this summer. That eagle died, despite extensive efforts by the Ojo, Raptor Rescue facility, including an emergency blood transfusion.

Lee Mullen, vice president of the Santa Barbara chapter of the Audubon Society, said it is not only animals that are threatened by the use of lead ammunition. Hunters who use lead ammunition risk exposure through handling bullets and eating meat from game contaminated with lead particles. Lead poisoning affects the central nervous system, impairs development of the brain, can cause deafness, mental retardation and kidney failure.

"If we can encourage the use of a healthier ammunition, then this is a win-win situation," Mullen said.

At Dodge City Gun Shop in Santa Barbara, owner Rick Dodge said hunters aren't buying it—literally.

"I didn't sell one box of (lead-free) shells," he said. Dodge said the rebate program has several shortcomings, one of them being that it was announced just two weeks before the start of the hunting season. Dodge said many hunters buy their ammo as early as April, which is when hunting licenses go on sale, to allow plenty of time to adjust their rifle sights to the type of ammunition they will be using.

"If you load-bullet bullets, many shops carry are not intended for hunting deer, the primary game animal in this area. Standard deer-specific bullets have a hollow tip and are designed to stop in the animal, killing instantly and as humanely as possible. The lead-free bullets carried by Dodge City Gun Shop are large, solid copper slugs that have a tendency to penetrate through all but the largest animals, like silk or bears."

"They didn't get the word out soon enough in 2003," Ranger Rick Howell, Field Biologist and Information Assistant at Ojai Valley, said this week.

Howell is the ranger in charge of providing information to hunters. He would have liked to see the program announced, but there were built-in problems during its first and only year, he believes. Even with the rebate, the cost for non-lead ammunition "was nearly double, and it was difficult to acquire. It was only tried out one year and it flipped miserably," he summarized.

Rick Tolles, Director of Conservation Partnerships for the Los Padres National Forest, said the program was a big step in the right direction, but it was announced with so little time left before the start of the 2003 hunting season because getting the legal side of the program finalized was complex, due to all the organizations involved in providing funding. "We were able to pull together the financial partners just a few days prior to the announcement," Tolles said.

"It's ironic, therefore, that the Forest Service ultimately received virtually no rebates applications."

The financial partners included the Los Padres Forest Association, the Ventura Wilderness Society and Audubon California.

Dodge said he is not optimistic that lead-free ammo sales will increase any time soon. He said the rebate might have an effect if it discounted the entire price of the ammunition, but normally hunters are faced with deciding between a traditional favorite and a new, unfamiliar type of bullet for which they will have to pay a premium unless they order by mail.

"For now, the only way you're going to get people to buy (lead-free ammunition)," Dodge said, "is to make it mandatory to use it."

"Maybe commercial hunting operations such as the inclusive and expansive packages offered by Tejon Ranch could provide leadership in this regard," suggested Charles Filipovich, founder of the Pine Mountain's Condor Group of the Sierra Club.

"A version of this story was first published in the UCSB Daily Nexus."
Comment Letter 37 Anderson, Eric (NO DATE)

Response 37 A.

Thank you for your comment. The commentor, Eric Anderson, notes that he is a six-year resident of the Mountain Communities and a sixth generation Californian. The commentor attended the presentation (given by Mr. Robert Stine of Tejon Ranch Company) at the local high school and offers the following thoughts on the proposed Project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 B.

The commentor discusses Hurricane Katrina, noting that New Orleans is located in an extremely vulnerable place, and points out that in the last century, billions of dollars have been spent trying to make that location work. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 C.

The comment observes that the Project applicant proposes to construct a development at the intersection of the two most active faults in California, just across the freeway from the epicenter of the largest recorded earthquake to occur in California. Potential hazards related to geologic conditions are addressed in Section 4.6, GEOLOGY AND SOILS, of the Draft EIR. With implementation of Mitigation Measures 4.6-1 through 4.6-19 (Draft EIR pages 4.6-26 – 4.6-42) Project impacts from seismic shaking and rupture of known earthquake faults are reduced to a level considered less than significant. However, the comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 D.

The commentor believes that we ignore nature at our peril. The commentor has several questions regarding the Project which follow below, along with responses to each. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 E.

Commentor requests further information about who would be responsible for making infrastructure repairs following an earthquake, including repairs to sewers, electrical, telephone, and roads. The Tejon Castac Water District (TCWD) is responsible for sewer and water service to the Project, and would be responsible – through its ratepayers – for repairs to water, reclaimed water, storm drain and sewer lines. Electrical and telephone services are provided by various utilities, and repair costs are paid for by customers under terms reviewed and approved by the California Public Utilities Commission (CPUC). Most of the roadways within the Project are private, and would not be dedicated to or maintained/repaired by the County. The Project roads that are public – for example the roadways leading from the freeway to the commercial area – would be County roads, and would be maintained and repaired by the County. Project occupants will pay property and other taxes and fees as required by the County over time; these Project-generated tax revenues will pay for public road maintenance and repair on the Project site. Private roadways will be maintained by and for Project residents through supplemental assessments charged only to Project owners. Escrowed funds for earthquake repairs is not proposed. However, if a Geologic Hazard Abatement District or similar entity is established for the Project, a reserve fund will be
created which can fund the repair of improvements impacted by geologic hazards. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 F.

Please refer to the 37-E.

Response 37 G.

Please refer to the 37-E.

Response 37 H.

Please refer to the 37-E.

Response 37 I.

Commentor requests how prospective purchasers within the Project site would be informed about earthquake risks. California law requires that prospective purchasers be notified by the seller if property is within an earthquake fault zone or a seismic hazard zone. Cal. Civ. Code §§1103 et seq.

Response 37 J.

The commentor asks whether the potential for liquefaction will be studied before any homes adjacent to Castac Lake are built. During the Project planning and environmental review process, both “Liquefaction and Lateral Spreading” and “Liquefaction, Cyclic Softening and Lurching” were mapped to determine where development is proposed in areas prone to liquefaction. See Draft EIR Figure 4.6-6, "Other Geologic Hazards". In response to this comment, however, in order to show that these other geologic hazard areas were considered Project planning, these geologic hazard areas have been added to the Tejon Mountain Village Specific Plan, Exhibit 6-1, "Map Code Area 2.1, Seismic Hazard". Accompanying Specific Plan Chapter 6, page 2 text has been revised as follows:

1. Map Code 2.1 (Seismic Hazard): Alquist-Priolo Special Study Zones; and other recently active fault zones; and other potential geologic hazards including liquefaction, lateral spreading, cyclic softening and lurching, and seismically-induced densification and settlement. (See Exhibit 6-1.)

In addition, the Tejon Mountain Village Special Planning District Plan, Chapter 6, Sheet 2, "Geology and Soils Combining Zone" provisions have been revised as follows:

**GEOLOGY AND SOILS (GS) COMBINING ZONE**

The purpose of the Geology and Soils (GS) Combining Zone is to protect the public's health and safety and minimize property damage by designating areas that are subject to or potentially subject to surface faulting, ground shaking, ground failure, landslides, mudslides, or potential geologic hazards including liquefaction, lateral spreading, cyclic softening and lurching, and seismically induced densification and settlement by establishing reasonable restrictions on land use in such areas. The GS Zone shall be applied to lands designated Map Codes 2.1, 2.2, or 2.3 by the Tejon Mountain Village Specific and Community Plan.

Accordingly, Tejon Mountain Village Special Planning District Plan, Sheets 10-14, "Zone and Combining Zone Classifications" have been updated to show these other potential geologic hazards.
All development will be subject to the Review and Approval Procedures set forth in the Tejon Mountain Village Special Planning (SP) District Plan Sheets 15 and 16. These procedures include approval of geotechnical reports for development proposed within areas mapped with known geologic hazards by Kern County Department of Public Works. Finally, the Draft EIR analyzed potential liquefaction impacts in Draft EIR Section 4.6, GEOLOGY AND SOILS. Specifically, Impact 4.6-3 analyzed whether the Project would "expose people or structures to potential substantial adverse effects involving strong seismic-related ground failure, including liquefaction." While this was identified as a significant impact prior to mitigation, the Draft EIR identifies a series of mitigation measures that reduce this impact to less than significant. See e.g. Mitigation Measure 4.6-19, as well as Mitigation Measures 4.6-1 – 4.6-18

Response 37 K.

The comment references an attachment to the letter that includes a description of the shaking that would occur in the case of a seismic event, excerpted from a Kern County EIR for Cuddy Valley. To the extent this analysis relates to a different project, the comment is noted for the record. To the extent the comment relates to potential ground shaking impacts from and to the Project, this issue is analyzed in the Draft EIR Section 4.6, GEOLOGY AND SOILS.

Response 37 L.

The comment observes that Tejon Mountain Village will be a gated community. Commentor believes this is an ongoing flaw in Tejon Ranch Company planning. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 M.

Commentor states that TRC is asking for public funds to create parklands in areas that cannot be developed and have no public access, and questions why residents of the Mountain Communities support a Project that would burden schools, roads and nearby recreation areas without providing access to parklands being paid for by California citizens. Commentor further questions whether TRC will set public funds aside so that they will be used solely for administering state parklands and not development, and whether TRC will open up parklands for public use. The Project, and Tejon Mountain Village, are not seeking and do not expect to receive any public funds for parklands. Commentor appears to be referring to the approximately 62,000 acres set aside in options as part of the Tejon Ranch Conservation and Land Use Agreement (Ranchwide Agreement) for the purchase of conservation or other open space easements and/or fee title for open space uses. This is not proposed as part of the Project, none of the optioned areas are contiguous to the Project site, and these acquisitions are not proposed or required as mitigation for the Project. Because the comment does not address the Project or Draft EIR, the following responses are provided for informational purposes only. Funds paid to TRC to acquire these acquisition area easements or fee title would be revenues paid to TRC in exchange for the sale of these property interests. Public access acquisition areas identified in the Ranchwide Agreement would be managed by the Tejon Ranch Conservancy or other fee or conservation easement holder, although like all of Tejon Ranch these areas are privately owned and not generally accessible to the public except by TRC employees and guests. Enhanced public access to the conserved areas of Tejon Ranch is one of the major cornerstones of the Ranchwide Agreement, which is described in Appendix J-1 of the Draft EIR. The independent Tejon Ranch Conservancy is currently offering docent lead tours into portions of the Tejon Ranch. If a State Park is created within the Tejon Ranch, it will be open to the public. These comments are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.
Response 37 N.
Please refer to the Response 37-M.

Response 37 O.
Please refer to the Response 37-M.

Response 37 P.
Please refer to the Response 37-M.

Response 37 Q.
Please refer to the Response 37-M.

Response 37 R.
This comment states that 60% of the proposed Project’s water is from the State Water Project (SWP) and that all of this amount is snowmelt from the Sierra Nevada.

The WSA and DRAFT EIR identify three Project water supplies: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water recovered during dry years from the Tejon Castac Water District (TCWD) water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries, assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report published by the DWR (see DRAFT EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 though 14). The percentage of water derived from each of these sources will vary in accordance with hydrological conditions and in some years SWP deliveries will not account for 60% of the water used by the Project. The extent to which snowmelt and rainfall runoff contribute to SWP supplies also varies from year to year. Rainfall as well as snowmelt is a significant component of SWP supplies.

Response 37 S.
This comment states that “Greenhouse Warming” will reduce snowmelt in the future.

In 2008, the DWR finalized the current SWP reliability report, which provides the most recent and detailed assessment of potential climate change impacts on the SWP system. The report analyzed four climate change scenarios compared the delivery reliability impacts that would occur in each case during average, single dry and multiple drought year conditions. The results of this analysis are summarized in Table 10 of the Project’s Water Supply Assessment (WSA) and included in the DRAFT EIR analysis. The “Geophysical Fluid Dynamic Lab Model, Emissions Scenario B1” (GFDL-B1) projection is the most conservative projection identified in the current SWP reliability report (see WSA, Table 10). The GFDL-B1 scenario was incorporated into the Project WSA to provide the most conservative assessment of potential climate change impacts that may affect Project water supplies. The WSA and DRAFT EIR include the most current and conservative climate change impact scenarios developed by the DWR for the SWP.
Response 37 T.

This comment suggests that since snowmelt will be reduced due to climate change, the Project will not have enough water.

As noted in Response 37-S, the WSA and DRAFT EIR incorporate the most current and conservative climate change scenario produced by the DWR for the SWP. This scenario includes the possibly that snowmelt flowing into the SWP reservoirs will be reduced in the future. The WSA and DRAFT EIR analysis shows that TCWD will be able to meet all of the District’s needs, including Project demands, under the most conservative climate change scenario identified in the SWP reliability report. As a result, the Project will have sufficient water supplies even if the future effects of climate change occur in accordance with the most conservative climate change and snowmelt scenario in the current SWP reliability report.

Response 37 U.

Commentor states that long-term consequences of actions must be considered, and notes that the Bush administration is now confronting the issue of unprecedented climate change. It is assumed that the commentor is referring to the Obama administration. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 37 V.

Commentor states that Tejon Ranch Corporation makes a good show of preserving the many archaeological sites around Castac Lake. Comment continues by stating that past actions run counter to current proposal.

Section 4.5, CULTURAL RESOURCES, of the Draft EIR includes a detailed analysis of potential impacts associated with implementation of the Project in relationship to the archaeological sites around Castac Lake. The proposed Project avoids impacting the known sites to the maximum extent practicable. Regarding past practices by the Tejon Ranch Company around the lake, please refer to Appendix F-1 of the Draft EIR, which contains the Phase 1 Archaeological Study conducted on the Project site. The Phase 1 study contains information regarding prior archaeological activity on the site.

Response 37 W.

Commentor recommends that TRC's past actions be evaluated in predicting future actions, and states that TRC artificially raised the water level of the lake, changed the name of the lake, covering many burial and village sites around the lake with water, and then dredging these areas. TRC's management of lake levels, including stabilizing lake levels, is discussed in Global Response 7.5.1. The lake is referred to as Castac Lake in the Draft EIR, prompted by comments that renaming this privately owned lake to "Tejon Lake" was inappropriate. No Native American villages or burial sites were covered or disturbed when the lake level was stabilized based on the levels it had achieved naturally as of approximately 2000. Because of the historic variability of lake levels, including periods of dry or saline conditions in the lake, it is also considered possible that village and burial sites occurred within the lake boundaries as these boundaries existed in 2000. No dredging of this area has occurred as part of TRC's management of the lake. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 37 X.

Please refer to Response 37-W.

Response 37 Y.

Commentor questions whether County, State or Federal permits were issued related to actions taken in and around Castac Lake.

Castac Lake is not part of the Project, but rather a part of the environmental setting against which Project impacts are to be evaluated. Please refer to Global Response 7.5.1 for further information about Castac Lake.

Response 37 Z.

Commentor questions whether the Tejon Ranch Company will "take responsibility" for past actions taken in and around Castac Lake.

Castac Lake is not part of the Project, but rather a part of the environmental setting against which Project impacts are to be evaluated. Please refer to Global Response 7.5-1 for further information about Castac Lake.

Response 37 A2.

Commentor questions what was destroyed in the lake area.

Castac Lake is not part of the Project, but rather a part of the environmental setting against which Project impacts are to be evaluated. Please refer to Global Response 7.5.1 for further information about Castac Lake.

Response 37 B2.

Commentor questions how damming the lake has changed creek flows in the area and whether flooding at El Tejon Middle School was the result of Castac Lake alteration.

The Draft EIR considers the current management of Castac Lake as part of the environmental setting against which Project impacts must be assessed. The proposed Project will not cause or exacerbate lake-related flooding risks, as described in Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY. Please refer also to Global Response 7.5.1 for further information about Castac Lake, including past flood incidents.

Response 37 C2.

The comment notes that the comment letter includes an attachment which is an article by local scientist Doug Peters. Commentor requests that the County include this article in the EIR. The article that was included with the comment is a newspaper article entitled: "Hunters Ignored Lead Bullet Rebate Experiment to Protect Condors, Eagles," by Mat Dozier, with update and research by Patric Hedlund. This article is included here as Comment 37-E5. The comment, and article, are noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 37 D2.

Commentor questions whether the Project will include a water study, as noted in the article by Doug Peters. As noted above in Response to Comment 37-C2, the article included and attached as Comment 37-E5 is not the same article referenced by the Comment. The Draft EIR does include a Water Supply Assessment, which is Attachment N-1 to the Draft EIR, Tejon Mountain Village Water Supply Assessment.

Response 37 E2.

Commentor notes that California is in the midst of an affordable housing crisis, and the Project does not ease this crisis but creates problems such as traffic congestion, crowded schools, air pollution, and other impacts of housing. The Project is designed as a resort that provides employment opportunities to County residents. As described in Section 4.12 of the Draft EIR, POPULATION AND HOUSING, housing in Kern County is more affordable than in many other areas of California. The Project will also generate property taxes and other revenues that can be used to support affordable housing and other County priorities. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 F2.

The comment states that the Project will create impacts including traffic congestion, crowded schools, air pollution, and a strain on County services. These issues are addressed, respectively, in the Draft EIR in Section 4.15, TRANSPORTATION AND TRAFFIC; Section 4.13, PUBLIC SERVICES; and Section 4.3, AIR QUALITY AND CLIMATE CHANGE. The commentor's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The comment also notes that the Project contains housing that is unaffordable for most Californians. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 G2.

Commentor questions whether Project residents will be full or part-time, and how this answer affects the EIR. Commentor also questions how residency will be reliably predicted. The Project is designed as a second-home vacation resort community. Impacts of the Project, however, are evaluated for Draft EIR purposes based on the more conservative assumption that the Project will be comprised of full-time residents. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 H2.

Please refer to Response 37-G2.

Response 37 I2.

This comment suggests that the creation of a “Condor Preserve” within “the proposed public parkland” is “difficult to imagine” given the “level of proposed development,” that “newly constructed” hunting cabins are “dotted” throughout the Ranch, and hunters are “still allowed” to use lead bullets.

There are five (5) active hunting cabins (nine (9) total) within the approximately 270,000 acre Tejon Ranch. As discussed in the Draft EIR at 4.4-98 and the CCP at 50, the Tejon Ranch Company (TRC) has banned the use of lead ammunition throughout the Ranch. This ban took effect on January 1, 2008,
includes an aggressive hunter awareness and enforcement program (see CCP pages 73-74). In addition, California has banned the use of lead ammunition within the range of the condor in the state, which includes the Tejon Ranch. The reference to “proposed public parkland” is unclear and appears to refer to the 2008 Conservation and Land Use Agreement (Ranchwide Agreement) between TRC and the Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly formed nonprofit Tejon Ranch Conservancy. As discussed in Draft EIR Section 3, the Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northermost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. A result of these measures and the permanent protection and preservation of approximately 240,000 acres of the Ranch, the proposed Project will not significantly impact the condor or designated condor critical habitat and will maintain and enhance the value of the Ranch for the conservation of the species.

Response 37 J2.

This comment suggests that certain homesites proposed to be located on ridges “above Beartrap canyon” are in “ideal” condor habitat.

As discussed in Response to Comment 37-I2, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northermost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. These areas include the easternmost three-mile reach of Geghus Ridge, which is located above Beartrap canyon. The condor experts thoroughly reviewed the Project and concluded that the Project would avoid significant impacts to the condor and condor habitat and would maintain and contribute to the enhancement of condor habitat functions and values within the Ranch (see CCP at 76-78).

In addition, the Tejon Ranch Company entered into a Ranchwide agreement to preserves the 37,000 acre Condor Study Area; an area outside of the Project that is considered by the USFWS to be the best foraging area for condors.

Response 37 K2.

This comment suggests that the death of a condor on a “TRC sponsored and supervised hunt” should be a “cautionary tale” for Project permitting.

This comment appears to refer to the illegal shooting of condor AC8 in February 2003 by a hunter licensed to hunt wild feral pigs on the Ranch in accordance with a hunting program operated by TRC under a Private Land Management Plan annually reviewed and approved by the California Department of
Fish and Game. The hunter was subsequently arrested and pled guilty to shooting AC8. The case disposition was summarized in a May 15, 2003 Los Angeles Times article as follows:

A Kern County man pleaded guilty Wednesday in U.S. District Court to killing a California condor during a pig hunt in February at Tejon Ranch near Bakersfield. Britton Cole Lewis, 29, of Tehachapi pleaded guilty to violating a federal law protecting migratory birds. In a separate matter, he also pleaded guilty to a charge of illegally shooting a whitetail deer in Illinois and transporting its mounted head to California. Both are misdemeanors. Lewis will be sentenced Aug. 15, according to officials with the U.S. attorney's office in Sacramento. He faces up to six months in prison and a fine of $15,000 for violating the Migratory Bird Treaty Act. Kurt Stiefler, Lewis' attorney, declined to comment. Assistant U.S. Atty. E. Robert Wright, the prosecutor in the case, said no deals were struck before the defendant's arraignment Wednesday in federal court in Fresno. Although killing a condor is illegal under the Endangered Species Act, Lewis was not charged under that more stringent law because of a loophole created by a 1998 Justice Department policy requiring that a defendant know the creature in question was endangered. The act carries a more serious penalty: up to a year in prison and a $100,000 fine. With wing spans up to 10 feet, California condors are the largest birds in North America and one of the rarest birds in the world. Only 80 remain in the wild. The shooting has attracted national attention because the victim, Adult Condor 8, or AC-8, was one of the original participants in a $35-million captive-breeding program aimed at preventing the creatures' extinction. When AC-8 was found dead Feb. 13 at Tejon Ranch in Kern County, the U.S. Fish and Wildlife Service launched an investigation, with help from the California Department of Fish and Game. Lewis, who acknowledged in court Wednesday that he shot the bird while it was perched in a tree, was charged April 29.

Hunting occurs throughout the condor’s range and is not limited to Tejon Ranch. The shooting of AC8 involved the actions of a single individual and this isolated incident does not bear on the effectiveness of the Ranch’s condor conservation measures. It should be noted that, in 1980, at time when the condor recovery team was managed by one of the condor biologists recruited by the Center for Biological Diversity to provide comments on the proposed Tehachapi Uplands Multispecies Habitat Conservation Plan, the condor team’s activities directly resulted in the death of condor. This incident was widely publicized and used by critics to question whether condor interventions by humans were reasonable or necessary for the species (“From the very beginning of the recovery project, Noel [Snyder] advocated a more active approach to the condors. This engendered controversy from the start: While program members were trying to weigh young condors on their nests in 1980, one chick died from stress. The whole debacle was photographed, achieved national notoriety, had preservationists screaming ‘hands off,’ and left Noel and the others on the project under a poisoned cloud that they called ‘The Curse of the Condor’”) (Bergman, Wild Echoes (2003) at 74). Notwithstanding the unfortunate condor death caused by the recovery team, the condor captive breeding program was eventually recognized as having saved the California condor from extinction. This incident demonstrates that isolated events do not provide a reliable basis for assessing, and can significantly distort perceptions of, the effectiveness of condor preservation and recovery measures.

Response 37 L2.

This suggests that the County consider independent experts “not hired by TRC.”

The County, as the lead public agency for the Draft EIR, considers all input and comments made by the public, including experts regarding the effects of the proposed Project on condors.
Response 37 M2.

Mr. Anderson comments that Tejon Ranch lies at the intersection of five major bioregions, with animals and plants having moved from one region to the other and creating and maintaining Southern California’s regional biodiversity. The Ranch property has its own extremely unique and fragile ecosystem, and the site supports plants that were previously undiscovered and unnamed. Mr. Anderson comments that experts he has spoken with indicate the wildlife corridors go through the proposed Tejon Mountain Village sites.

The comment regarding the unique biological character of the Tejon Ranch, its high biodiversity, and importance as a wildlife corridor reflects the description of the Project site in the Draft EIR, as illustrated in the following excerpts from Section 4.4.2, ENVIRONMENTAL SETTING.

With regard to the intersection of several bioregions:

The Tejon Mountain Village project site is located at the intersection of several biogeographical regions (Figure 4.4-1) within the California Floristic and Desert Provinces. The California Floristic Province regions closest to the site are the Southwestern California, Sierra Nevada, and Great Central Valley regions. A portion of the site’s western edge lies within the Western Transverse Ranges District of the Transverse Ranges Subregion of the Southwestern California Region.

(Draft EIR, page 4.4-1)

The diversity of vegetation communities on site is described in the Vegetation Mapping section of Section 4.4.2, ENVIRONMENTAL SETTING, on page 4.4-5:

Seven general physiognomic and physical location types were mapped during field surveys on the Tejon Mountain Village site, six of which are identified by the DFG List of Terrestrial Natural Communities (DFG 2003): bog and marsh; broad-leaved upland tree dominated; coniferous upland forest and woodland; grass and herb-dominated communities; riparian and bottomland habitat; and scrub and chaparral.

The plant species’ richness on site is described in the Plant Resources section of Section 4.4.2, ENVIRONMENTAL SETTING, on page 4.4-35:

A total of 1,068 species of plants were recorded on the Tejon Mountain Village site. Of these 1,068 species, 885 (83%) are native species; 126 (12%) are non native introduced species; and 57 (5%) could not be determined because they were identified to genus but not to species, and within that genus there are both introduced and native species.

The animal species’ richness on site is described in the Plant Resources section of Section 4.4.2, ENVIRONMENTAL SETTING, on page 4.4-44:

A total of 448 wildlife species have been observed or detected within the Tejon Mountain Village site over the course of several wildlife surveys. Detected species include 178 invertebrates (including 20 butterflies and moths), 5 amphibians, 17 reptiles, 4 fish, 199 birds, and 45 mammals.

The function of the Project site wildlife corridor is analyzed in the Draft EIR in Section 4.4.4, IMPACTS AND MITIGATION, under Impact 4.4-4: Interfere Substantially with the Movement of any Native
Resident or Migratory Fish or Wildlife Species or Established Native Resident or Migratory Wildlife Corridors or Impede the Use of Native Wildlife Nursery Sites. In the introduction to this section on page 4.4-424, the Draft EIR states:

The Tehachapi range has been characterized as an upland wildlife linkage between the Sierra Nevada to the northeast and the coastal ranges to the southwest in the “South Coast Missing Linkages: A Linkage Design for the Tehachapi Connection” study (SCML study) (Penrod et al. 2003).

The Draft EIR provides an extensive analysis of habitat linkages and wildlife corridors in the proposed Project region (see Impact 4.4-4 on pages 4.4-424 to 4.4-442). This impact analysis includes: (1) a description of existing wildlife movement patterns based on a camera study, including potential barriers to movement such as Interstate 5; (2) on-site wildlife habitat use in relation to frequent Interstate 5 crossing points; (3) the potential impacts of the Project on the movement of existing native resident and migratory species through the Project landscape based on comparable wildlife movement studies; and (4) the potential impacts of the Project on wildlife movement based on theoretical computer models. Based on this analysis, the Draft EIR determined that the Project would have a less-than-significant effect on native resident and migratory wildlife movement and therefore would not destroy crucial linkages to other preserved lands, eliminate wildlife corridors, or fragment the watershed. Please also refer to Response to Comment 19-L.

Existing wildlife movement across Interstate 5 was studied using motion-sensitive cameras positioned at several potential wildlife crossing points, including culverts, an underpass, and an overpass (see Draft EIR Figure 4.4-15). Generally, the number of wildlife photographed at the northern crossing points was greater than the number photographed at southern crossing points, with the Grapevine Camera Group accounting for approximately 65% of all terrestrial species photographed in the study. Overall, the photographic data indicate that large mammal activity (mule deer, bobcat, and coyote) was concentrated at the Northern Castac Lake Camera Group and the Southern Grapevine Group (see Draft EIR Table 4.4-161). In particular, the data for bobcats and coyotes from the Southern Grapevine Camera Group strongly indicate that these species moved across Interstate 5 via existing culverts. Additional surveys of trails leading from nine Interstate 5 culverts that showed significant evidence of movement in the camera study found evidence of mule deer, bobcat, and coyote moving to and from the Interstate 5 culverts. These camera and wildlife trails survey data indicate movement by large and small mammals in areas within and adjacent to the proposed Project site and also demonstrate that Interstate 5 is not an impermeable barrier to east–west wildlife movement under existing conditions. Most of the existing wildlife movement is occurring at the more northerly underpasses and culverts within the Tehachapi uplands. Furthermore, large and small mammals are traversing steep and rugged landscapes such as the north face of Grapevine Peak (see Draft EIR Figure 4.4-16). Movement across these areas allows direct access from the proposed Project site to the Wind Wolves Preserve and Los Padres National Forest west of Interstate 5.

Within the general Project area, native wildlife, including high-mobility species, such as black bear, mountain lion, mule deer, bobcat, and coyote, have been observed at several locations, including around existing developed areas such as the cluster of buildings and facilities at the TRC headquarters and adjacent school. Because the proposed Project site is mostly undeveloped, native wildlife generally range freely across the landscape.

Based on existing information for generally unrestricted wildlife movement across the proposed Project site, within the broader Tehachapi uplands landscape, and across Interstate 5 at several locations, the Draft EIR analyzed the impact of the proposed Project on wildlife movement (described in detail on Draft EIR pages 4.4-431 through 4.4-440). The impact analysis methods included dividing on-site resident and
migratory native species into five representative guilds or groups that generally share the same propensity and capacity for movement through a landscape: (1) high-mobility ground-dwelling species (e.g., bear, mountain lion, bobcat, coyote); (2) moderate-mobility ground-dwelling guild (e.g., American badger, raccoon, gray squirrel); (3) low-mobility ground-dwelling guild (e.g., rodents, reptiles, amphibians); (4) high-mobility aerial guild (e.g., California condor, golden eagle, pallid bat); and (5) moderate-mobility aerial guild (e.g., rufous-crowned sparrow, Bell’s sage sparrow, California spotted owl). In general, the ability to move through and within a landscape is more important for high-mobility ground-dwelling species because they range over comparatively large landscapes (e.g., hundreds to thousands of acres) and, therefore, are sensitive to habitat loss, fragmentation, and barriers to movement. High-mobility aerial species are less sensitive to habitat fragmentation because of their ability to fly between suitable habitat patches. Adequate habitat patches are important for the low- and moderate-mobility species because their life cycles tend to occur within relatively small ranges (e.g., less than 1 acre to tens of acres), although some species may exhibit relatively long, one-time dispersal events. In many cases, maintaining adequate linkage habitat for the high-mobility ground-dwelling species will provide habitat for species in the other guilds, serving an “umbrella” function.

The impact analysis also took into consideration the lands north, east, and south of the proposed Project site that would be permanently preserved as open space under the comprehensive Ranchwide Agreement (see Draft EIR Figure 4.4-17). The key element of the Ranchwide Agreement for preserving an adequate wildlife linkage is clearly stated in the Draft EIR (page 4.4-433). (In reprinting this text it was observed that minor edits are required; these textual edits are also available in Section 7.3, ERRATA.)

Figure 4.4-17 shows that the project’s preserved open space and the Tejon Ranch Company landholdings preserved under the Ranchwide Agreement jointly make up a contiguous, fully avoided wildlife linkage of approximately 178,000 acres. No public roads or commercial, residential, or industrial development of any kind would occur in this linkage. The wildlife linkage would include a contiguous, fully avoided block of land to the north of the project approximately 4 to 8 miles wide and 9 miles long. This portion of the linkage would connect directly with Interstate 5 underpasses and culverts documented to be the most heavily used by the larger high-mobility species and carnivores in the camera study (see Table 4.4-161). The areal extent of the wildlife linkage would increase to a total of approximately 240,000 acres if all potential acquisition areas in the Tehachapi landscape are acquired under the terms of the Ranchwide Agreement.

The analysis compared the size dimensions of this habitat linkage with other major habitat linkages in Southern California, such as the Santa Ana Mountain Area and Santa Monica Mountain Area linkages, where significant wildlife species movement is known to occur, and found it to be comparable in dimension and with significantly lower development and fewer major roadway impacts. Based on this comparison, the Draft EIR concluded that the wildlife linkage provided for by the Project together with the Ranchwide Agreement would support wildlife movement through the Tehachapi landscape.

The Draft EIR specifically analyzed wildlife movement within the proposed development area. The proposed Project includes Open Area where no development would occur; Mountain Residential, where only a very low dwelling unit density of up to 2 units per gross acre could occur; and Resort and Village Mixed-Use, which would allow higher densities of 10 to 30 units per gross acre. The Resort and Village Mixed-Use designations are limited to southern and middle portions of the Project site and a small area immediately adjacent to Interstate 5 near the Lebec interchange, respectively (see Draft EIR, Figure 3-10). Wildlife linkage studies (Andreassen 1996; Loyd et al. 2006; George and Crooks 2006; Grinder and Krausmann 2001; VerCauteren et al. 2005; Riley et al. 2003; Tigas et al. 2002; Dudek 2008; Ng et al. 2004; Dudek 1995; Haas 2000; Dubil 2007; Umbach 1996; Bernman 2005) summarized on pages 4.4-435
through 4.4-437 of the Draft EIR indicate that areas such as the Open Area and very low dwelling unit density Mountain Residential designations are compatible with significant wildlife movement, thus extending the function of the large regional wildlife linkage provided for in the Ranchwide Agreement. Due to the relatively high density of units in the Resort and Village Mixed-Use areas, these areas may not support significant native wildlife populations or as effectively convey movement through the area following build out of the Project.

Accordingly, the Draft EIR concluded that the Project would avoid significant impacts to native resident and migratory wildlife movement through the Tehachapi landscape. Movement between the proposed Project area and Wind Wolves Preserve and the Los Padres National Forest to the west and Sequoia National Forest to the east would not be significantly affected by the Project (Draft EIR, page 4.4-437):

Figure 4.4-17 shows that the avoided open space throughout the western Tehachapi landscape and the Mountain Residential portions of the project’s development envelope collectively make up a wildlife linkage that varies from approximately 4 to 8 miles wide and 9 miles long north of the project site and includes a large area of permanently protected open space to the east. The linkage would connect directly with the southern Grapevine and northern Castac Lake Camera Group locations, which were heavily used by high-mobility species in the camera study (see Table 4.4-161). The size of the western Tehachapi landscape wildlife linkage is comparable with or larger than other major linkages in southern California and would be subject to lower levels of development, fragmentation, and roadway intrusion. Significant movement for all species has been documented in other regional linkages that are subject to greater development and roadway pressures (George and Crooks 2006; Tigas et al. 2002; Haas 2000; Dudek 1995). The permanent preservation of a fully avoided, contiguous wildlife linkage throughout the western Tehachapi landscape and the persistence of linkage function in the lower density portions of the project would avoid significant impacts on existing native resident and migratory wildlife movement within the project and in the western Tehachapi landscape.

This conclusion, which primarily is based on the Interstate 5 camera and wildlife trails studies, the Open Area and Mountain Residential designations, and comparable wildlife linkage studies, and is bolstered by the large amount of open space preservation that would occur under the Ranchwide Agreement, is also supported by modeling of high-value wildlife movement corridors that was conducted to further analyze potential Project impacts. Linkage design software (Corridor Designer) was used to model habitat areas that would provide the safest (i.e., “least-cost”) movement through a landscape for a focal species, where variables such as natural vegetation communities and roadways affect the cost (e.g., mortality, lack of food or shelter) of moving through the landscape. Areas of the landscape are ranked for these variables and then summed, with the sum of the most highly rated locations between two points being the least-cost movement corridor. Research indicates that preservation of the top 1%, or in some cases, the top 0.7% least-cost corridor, would maintain sufficient species movement in a landscape. The Draft EIR analysis is based on a least-cost model that replicated the model used by the South Coast Missing Linkages (SCML) study for the Tehachapi uplands connection. The current modeling was conducted using software that was updated since 2003 and more detailed vegetation information that was generated by Project surveys and distance to roads (see Draft EIR Appendix E-1 for details on the SCML model and the updated application used for the Draft EIR).

The top 1% least-cost corridor analysis was applied to four focal species known to occur in the Project area: mountain lion (high-mobility ground-dwelling guild), mule deer (high-mobility ground-dwelling guild), gray squirrel (moderate-mobility ground-dwelling guild), and spotted owl (moderate-mobility aerial guild). The model results, shown in Draft EIR Figure 4.4-18, depict a general agreement between the replicated SCML results (using the same data used by SCML in 2003) and the updated results using
the detailed Project-level vegetation and distance to roads. The model results were very similar and both show that the majority of the highest value wildlife linkage through the western Tehachapi landscape is located in preserved open space north of the Project site. Based on these model results, which are consistent with the empirical data for wildlife movement in the Project area and across Interstate 5, the Draft EIR concluded that (page 4.4-439):

Virtually all of the top 1% least-corridor solutions for the four focal species in both the 2003 SCML study and the updated analysis occur in the avoided portions of the western Tehachapi landscape or in the lowest density Mountain Residential portions of the project development envelope. As discussed above, research indicates that wildlife linkage functions are maintained in lower density areas, particularly where such areas are adjacent to significant open spaces. As a result, the project would not significantly affect the portions of the western Tehachapi linkage that correspond with the highest valued movement corridors identified in the SCML study and updated linkage models.

Although the Draft EIR concluded that the Project would not significantly affect wildlife movement through the western Tehachapi landscape, several mitigation measures will be implemented that will serve to reduce impacts to native resident and migratory wildlife movement. These mitigation measures include: 4.4-1 (culling non-native species such as feral pigs); 4.4-11 (protection of habitats within the Project site that support linkage function); 4.4-12 (ensures that approximately 81% of Project area would remain undeveloped at full build out); 4.4-13 (implementation of Resource Management Plan that would address species movement); 4.4-14 (adoption of Integrated Pest Management Plan that would control pesticide use); 4.4-18 (homeowner educational programs and trail signage regarding protection of biological resources); 4.4-19 (limitations on uses in open areas to activities that would not significantly affect resources, including guided hunting for non-native species control, cattle grazing, education, adaptive management, and low-impact recreation); 4.4-20 (controls on fertilizers and pesticides for golf course maintenance); 4.4-26 (limitations on lighting and direction away from natural open space areas); 4.4-29 (controls on human intrusion into on-site natural vegetation); 4.4-31 (adoption of Grazing Management Plan that ensures that grazing in open areas would avoid special-status wildlife communities and sensitive vegetation communities); 4.4.36 (covering of trash receptacles to avoid and reduce attraction of native and non-native wildlife to developed areas); and 4.4-37 (requirement that horse feed mixes do not contain seeds that may result in invasions of non-native plants into open areas).

Consequently, wildlife movement and corridor functions and values will not be significantly impacted and will be maintained by the Project.

Response 37 N2.

Commentor asks whether Kern County will consider the expertise of wildlife corridor experts other than those retained by TRC.

The CEQA environmental review process is an open and transparent one that provides opportunities for agencies, experts, and other stakeholders to present input on any subject contained in an EIR. That input becomes part of the public record for the Project and is available to decision makers in their consideration of whether or not to approve a project as proposed. This process is being implemented by Kern County for the Tejon Mountain Village Project.

In addition, as documented in the Draft EIR, the regional connectivity analysis relies on a wealth of existing information and research regarding wildlife movement. This includes thorough literature review (see wildlife movement citations on pages 4.4-424 through 4.4-442 of the Draft EIR), empirical data gathered through a camera study at Interstate 5 undercrossings, and a field investigation of wildlife trails,
as well as landscape permeability modeling using new software (Majka et al. 2007) developed from the results of a previous study conducted by the South Coast Missing Linkages (Penrod et al. 2003) project.

Response 37 O2.

Commentor questions whether TRC will make public all studies ever conducted on Ranch properties so that all parties can make informed decisions about this important public parkland. The Project site comprises only about 10% of the approximately 270,000-acre Tejon Ranch. The Project site, and the Project, are evaluated in the EIR; other planned activities on Tejon Ranch are considered part of the cumulative impacts analysis as are other off-site projects in Lebec and other areas. All documentation used in the preparation of the Draft EIR is included or referred to in the Draft EIR, and all Draft EIR references have been and remain available for review upon request. Commentor's opinion that Tejon Ranch is important public parkland and request for all Ranch studies is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 P2.

Commentor refers to a statement by "TRC officials" that each home would have a 5-acre parcel of land, and that a portion of each parcel would remain undeveloped in perpetuity. Commentor requests further information about guarantees that can be provided to assure that this land would remain undeveloped, and about who will oversee these guarantees into the future. The Project includes a variety of resort residential project types, including some attached and smaller lot products as well as larger estate lots of 5 acres or more. Enforcement of open space requirements of larger estate lots will occur at the County level (development areas for such lots are limited by the Specific Plan and will be recorded in the Grant Deeds), at the Developer level (the design review process for such lots enforces development area restrictions on the open space areas of individual lots), and at the Homeowner Association level (the Covenants, Conditions and Restrictions – CC&Rs – recorded for the community will include these development and open space requirements). Development area acreage will also be identified in tentative tract maps, as will ongoing tracking of the Project's utilization of 5,082 acres for development.

Response 37 Q2.

Please refer to Response 37-P2.

Response 37 R2.

Please refer to Response 37-P2.

Response 37 S2.

Commentor states there are persistent rumors of an anthrax outbreak on Ranch property.

The County is not aware of the incident referred to in the comment. The comment does not identify a date or period when the incident supposedly occurred. The applicant asked Ranch Manager Don Givet with the Tejon Ranch Company if he was aware of such an incident. Mr. Givet who has been with the ranch for over 25 years was not aware of any such incident.

Response 37 T2.

Commentor requests information about the location of the anthrax outbreak referred to in Comment 37-S2, above.
Please refer to the Response 37-S2. The County is not aware of the incident therefore a location can not be provided.

Response 37 U2.

Commentor notes that Southern California is a wildfire area, and that there have been recent fires near the Project area. Commentor also notes that the Project will include residential lots across a large area, presenting challenges to fire response personnel. The Project’s Specific Plan includes a detailed Fire Protection Plan (Appendix D) that includes extraordinary measures to protect structures and open space from wild fires. In addition, Section 4.13 (Public Services) includes mitigation measures related to the provision of on-site fire facilities. The Draft EIR concludes that with the implementation of proposed mitigation measures, Project impacts will be less than significant. These comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 V2.

Please refer to Response 37-U2.

Response 37 W2.

Commentor asks whether an escrow fund will be provided to pay for fire service, and whether the EIR will study potential risks and costs of fire protection. Section 4.7 of the Draft EIR (Hazards and Hazardous Materials) evaluates wildfire risks, and Section 4.13 (Public Services) considers fire services more generally. The Specific Plan also includes a detailed Fire Protection Plan (Appendix D). An escrow fund is not proposed, but funding for fire response capital and operating costs are addressed in the Draft EIR and the Tejon Mountain Village Specific and Community Plan and Special Planning District.

Response 37 X2.

Please refer to Response 37-W2.

Response 37 Y2.

Commentor asks whether the EIR will address the likelihood of a wildfire following an earthquake.

The proposed Project’s Fire Protection Plan (FPP) (Draft EIR, Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District) was designed to provide for wildfire risk mitigation, regardless of wildfire origin. While the potential exists for earthquake damage to ignite a wildfire, the fuel modification, building construction, and other pertinent development infrastructure requirements outlined in the FPP were designed for community wildfire protection assuming worst-case fire conditions, which would include earthquake-influenced ignition sources (e.g., downed powerlines). Because the FPP outlines a layered fire protection system that includes multiple opportunities for off-site relocation, on-site relocation to designated shelters, or last resort sheltering in the ignition-resistant homes, earthquake-related fires are treated in the analysis and risk assessment performed for the site. As such, a specific analysis of earthquake-influenced wildfire origin is not deemed necessary.

Response 37 Z2.

Commentor asks what guarantees the Project applicant will make that grading activity during construction will not release dust into El Tejon Middle School. It should be noted that the closest that construction activity would occur to El Tejon Middle School is approximately 2,500 feet. Draft EIR, Appendix D-6,
In addition, the Project includes a detailed Dust Control Plan, as well as a variety of other commitments that will reduce the Project's construction impacts, including compliance with all San Joaquin Valley Air Pollution Control District (SJVAPCD) fugitive dust rules, promotion of the use of alternative fuel technologies for construction vehicles, and requirements regarding construction material selection and disposal. Draft EIR at 4.3-113 to 4.3-118. Also, Mitigation Measure 4.3-1 requires that construction emissions of NOx and PM10 do not exceed 2 tons per year. The Project applicant has also committed to fully offset its NOx, ROG and PM emissions within the San Joaquin Valley Basin through entering a Voluntary Emissions Reduction Agreement with the SJVAPCD. After imposition of mitigation measures, the Project's PM impacts will be less than significant. Draft EIR at 4.3-118. Thus, dust impacts from Project construction will be appropriately mitigated, and El Tejon Middle School will not experience significant impacts from dust during construction.

Response 37 A3.

Commentor asks whether soil in the Project area will be tested for Valley Fever prior to grading. The Draft EIR includes a discussion about Valley Fever, as well as a discussion of the potential impacts of exposure to Valley Fever caused by Project construction. Draft EIR at 4.3-41 to 4.3-43, 4.3-113. As noted in the Draft EIR, there is no analytical methodology or significance threshold to evaluate potential risks from Valley Fever. However, given the potential for the Project to expose people to Valley Fever, the Draft EIR includes several mitigation measures to reduce potential impacts. Draft EIR at 4.3-116 to 4.3-117. These include measures to stabilize dust in disturbed areas, use of respirators during Project clearing, paving or treatment of construction and access roads with dust-control agents, control of weed growth by mowing, and notification of residents near later phases of construction. Thus, although soil testing will not be conducted, potential for Valley Fever exposure will be mitigated to a less than significant level.

Response 37 B3.

Commentor raises the topic of cumulative impacts that take into account development in the Tri-County Area including Centennial and Fallingstar. Cumulative impacts are addressed in every topical section of Chapter 4 of the Draft EIR, the cumulative impacts methodology is described in Section 3.7, and a list of projects included in the cumulative impacts evaluation is included in Table 3-6. The cumulative impacts list was developed based on a review by staff from Kern County with the EIR preparers, and included consultation with representatives from Los Angeles County. Even in the absence of a proposed project on the list, the cumulative impacts analysis also considered planned land uses in the vicinity of the Project site. The Centennial project is identified in Table 3-6 and was evaluated as part of the cumulative impacts analysis. Projects within Lebec, including Frazier Park Estates, were also identified in Table 3-6. Fallingstar is a former name for Frazier Park Estates.

Response 37 C3.

Commentor raises the issue of loss of rural lifestyle. Development of a mountain resort community in Tejon Ranch is not anticipated to change land uses in nearby Mountain Communities, or cause the loss of a rural lifestyle. The Project densities are also similar to other adjacent communities, and are consistent with a rural residential land planning pattern. Commentor also identifies light pollution as a topic, presumably as a concern. Light pollution is addressed in Section 4.1 of the Draft EIR (Aesthetics/Light & Glare); since commentor has not made any specific comments on this topic, further response is not warranted. Commentor's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 37 D3.

Commentor addresses traffic, noting that the traffic study should assess the impact of local traffic on interstate commerce, and asking whether commercial traffic takes precedence over local impacts and notes that there have been frequent closures of Route 5 over the past year. Traffic is considered in detail in Section 4.15 of the Draft EIR. There is no hierarchy that prioritizes interstate commerce and commercial traffic over local impacts; impacts to local and regional roadways are evaluated, with feasible mitigation required for both types of impacts. Commentor's observation about closures of Interstate 5 is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 E3.

Commentor identifies "Air Pollution" as an issue of concern. Section 4.3 of the Draft EIR assesses Air Quality including air pollution; since the commentor has not made any specific comments on this topic, further response is not warranted. Commentor's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 F3.

The comment includes a series of statements regarding the Garlock Fault and seismic activity in the general area. This series of statements is not attributed to any particular location (although it mentions several faults that are found in the Project vicinity) and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. Please see Response 37-C, above, with respect to the Draft EIR's analysis of geologic hazards. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 37 G3.

The comment is an article from the Mountain Enterprise dated October 7, 2005, entitled: "Hunters Ignored Lead Bullet Rebate Experiment to Protect Condors, Eagles," by Mat Dozier, with update and research by Patric Hedlund. The article describes efforts to encourage hunters to buy bullets that do not contain lead, which can harm the California condor and other scavengers that eat remains from animals killed with lead slugs or shot. The Project includes Mitigation Measures 4.4-1, which states that "Pursuant to the lead ammunition ban that was implemented over the entire Tejon Ranch beginning January 1, 2008, only non-lead ammunition shall be used at all times within the Project site during hunts of any kind," and 4.7-6, which states that "Lead shot and lead bullets shall not be used for target practice at the Venado Hunting Lodge or elsewhere at the project site." These Mitigation Measures will thereby reducing potential impacts to California condor and other scavengers. Please refer to Global Response 7.3.5 for additional information regarding Project impacts on California condor.
Craig M. Murphy, Supervising Planner
Kern County Planning Department
2700 "M" Street
Bakersfield, CA

July 7, 2009

RE: Tejon Mountain Village Draft Environmental Impact Report

I have reviewed the Executive Summary DEIS evaluating the impact of a request for an incidental take permit by Tejon Ranch Company and the Tehachapi Uplands Multi-Species Habitat Conservation Plan.

Tejon Ranch encompasses more of California's natural beauty and diversity than any undeveloped area of the state. This enormous parcel is home to precious native grasslands, oak woodlands, Joshua tree woodlands and conifer forests. It is home to the endangered California Condor and more than two dozen state and federally listed plant and animal species.

Having said that, the Tehachapi Uplands Multi-Species Habitat Conservation Plan is the culmination of nearly a decade of scientific study and collaboration with the federal government and independent scientists to develop a strategy that protects natural habitat and preserves species while minimizing and mitigating any potential impacts from the Ranch's ongoing business activities.

Of the four alternative actions discussed in the DEIS, the TUMSHCP is the most rational approach to preserving over 90% of this large tract of land and it's native wildlife from irrational development. As a property owner myself (although on much smaller scale) I am impressed with TRC's sensitivity to ecological concerns and, more importantly, to take those concerns and fashion them into a thoughtful and comprehensive plan of multiple benefit.

TRC has spent years of inquiry and study to evolve a Conservation Plan which takes into consideration Tejon Ranch's rich biodiversity. In addition to the California Condor, the plan now covers an additional 26 species of plants and animals, many of which are not required to be protected, but which TRC believes would benefit from their inclusion.

And the measures designed to ensure the California condor's ongoing recovery are also far reaching:
-- Preserving 94% of high quality condor foraging area within its boundaries
-- Undergrounding of new utility lines
-- Land planning considerations that take into account the existing natural setting and historic condor activity, including ensuring planned development is located away from potential condor foraging areas
-- Eliminating use of ammunition containing lead in the ranch's hunting program
-- Providing supplemental condor feeding stations
-- Providing GPS tracking devices that can help officials identify when birds are in trouble and where to find them
-- Establishing a 37,000-acre USFWS Condor Study Area
-- Employing a full time on-site biologist and establishing a condor education program for residents and guests.

Perhaps most importantly, under no circumstances does the Plan permit the lethal take of condors.

I believe the TUMSHCP is an extraordinarily thoughtful and comprehensive plan allowing for preservation of sensitive habitat while still allowing for limited development that will benefit California's economy and future growth. I have written the USFWS and asked that they approve the request and adopt the HCP.

Sincerely,

Larry E. Brown
501 Wyoming Trail
Frazier Park, CA 93225

Cc: Ray Watson
Comment Letter 38. Mr. Larry E. Brown (July 7, 2009)

Response 38 A.

Thank you for your comment. The comment from Mr. Larry Brown relates to the Tehachapi-Uplands Multi-Species Habitat Conservation Plan (TUMSHCP) and associated Draft Environmental Impact Statement (Draft EIS). Commentor provides some history regarding the development of the TUMSHCP, discusses some of the various measures the TUMSHCP contains, and expresses support for the TUMSHCP. Because this comment is limited to the TUMSHCP and Draft EIS and does not address the Draft EIR, it is beyond the scope of these Final EIR responses to the Draft EIR. However, the comment has been noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Comment Letter 39

07/07/2009

Kern County Planning Department
Attn: Lorelei Oviatt
2700 “M” Street
Bakersfield, CA 93301

Re: Objections to Tejon Mountain Village

Dear Ms. Oviatt:

We were from the onset very supportive of the Tejon Mountain Village development, as it was originally portrayed and presented. Visualizing - beautiful large Ranch homes scattered around the lake with a few hotels, small shops, riding stables, golf course, etc., which would have indeed created a tourist and vacationers heaven - and would have had a positive economic impact on our mountain communities. But over the years all this has changed and now we are talking of a huge development with more residents than those living in our financially depressed hill communities. Additionally this development will no longer be part of the lake, but would protrude deep into this beautiful unspoiled by mankind wilderness of the Tejon Ranch. The developer has no plans or gives any assurances that he would provide long-term employment for all of these new residents. Our hill communities are already burdened by high unemployment and most of the lucky working people are commuting daily - hundreds of miles to and from their places of work. This proposed development as presented in Mr. Edward Humes article in the June edition of the LOS ANGELES MAGAZINE - is designed to encroach into Southern California’s “LAST FRONTIER”! Citing that this area considered for this terrible development “has barely changed for thousands of years, which is why more than 80 rare or endangered species continue to prey, roam, roost, flower, and rear their young there”. I am indeed proud that our Frazier Park Ranch was a recognized working partner in the California Condor Recovery Program, which just less than two decades ago reintroduced and brought back the California Condors from their extinction, by introducing the first reared in the San Diego Zoo Condors into the wild. This proposed extensive development would again contribute to the extinction of these magnificent birds and perhaps many other rare and or endangered species of our flora and fauna! Is any one ever considering that, EXTINCTION IS FOREVER, and not something which can be easily brought back!

The Condor Recovery Program alone had and is still costing us multi millions of taxpayers money, and all of this could be lost just in order to satisfy the greedy stockholders of the developer - who could not care less!

39-A
39-B
39-C
39-D
39-E
39-F
39-G
39-H
It is indeed a very sad story, but this is not all. It is indeed mind boggling that with so many viable points against this development, no action had been taken so far by the Kern County Planning Department and the Board of Supervisors to once forever categorically reject this project as presented. One could assume that certain monetary interest is being placed before the “will and well being of our areas residents” and this regrettfully to their detriment.

A smaller development around the lake would be certainly be a better and the only way to allow this project to become reality. But in its present form the same would devastate our Mountain Communities and SHOULD BE DENIED AND REJECTED!

Additionally - the cited below problems would likewise have a long range devastating impact on our future lives, not even taking into consideration the harm this project would bring to the environment and the ecology of our area.

The increased traffic created by this project on the already “TOO BUSY” freeway and highway systems, and with the increase of the already bad air quality and pollution this should be given careful consideration. A much higher unemployment rate in our already financially depressed communities and the entire Kern County, would make the lifestyles of our residents even more burdensome. The worst however in my opinion would be the impact of this project on the availability of WATER. It is publically known that not only in California but in the entire United States the water resources are shrinking. Our hill communities are especially affected by this fact that our ground water table is sinking at an alarming rate. We have at the ranch one well, which run dry due to the elevation change of our ground water level. Our second well started a few years ago to ran intermittently dry, so we had to deepen the well in order to set the pump at a deeper level. Our water table was approx. 160 feet some 25 years ago when this well was placed into production and now the water level is standing at below 190 feet. Even though the developers have secured for their development some of the water from the aqueduct, but for how long? In a few years the aqueduct may not have enough water to supply the farmer’s and all of it’s other customers as far as in the Los Angeles area - and this should be in my opinion a strong point to reject entirely this enormous project for the protection of mankind and not to it’s detriment?

This huge project could in due time entirely eliminate our water supply and the hill communities could be come a “WASTELAND” and all their tax revenues could be lost just for a temporary gain of the tax revenues counted on from this project.

I urge the Department and the Board of Supervisors to REJECT this project!

Counting on your support, respectfully

Sigmund J. Lichter
Comment Letter 39. Lichter, Sigmund (July 7, 2009)

Response 39 A.

Thank you for your comment. Sigmund Lichter states that the L.L. Ranch was supportive of the Tejon Mountain Village Project as originally presented, and notes his belief that it would have had a positive economic impact on the mountain communities. Mr. Sigmund is not longer supportive of the project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 39 B.

Commentor expresses concern that the scope of the Project has changed from previous representations, and now represents a large development that is out of scale with the region. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

On October 5, 2005 the County distributed a Notice of Preparation (NOP) for the Tejon Mountain Village Project. The Project description in 2005 included additional uses beyond those currently reflected in the Tejon Mountain Village Specific Plan. For example, the Project description included in the 2005 NOP identified the possibility of four golf courses, compared to the two golf courses reflected in the current Specific Plan proposal. The scale of the proposed Project is somewhat smaller than previously envisioned. However, the overall character of the development proposal is similar to the earlier proposal, reflecting a low-density residential resort community with 80% of the Project site preserved as open space.

Response 39 C.

Commentor expresses concern that the Project is no longer centered on the lake but would protrude further into Tejon Ranch wilderness.

As discussed in Response 39-B, above, the Project scale is somewhat smaller than the Project described in the 2005 NOP. The 2005 NOP described the Project as encompassing 28,253 acres, compared to a current total of 26,417 acres. The Project description in the 2005 NOP proposed development in the same general area as the current proposal. As identified in 2005, the proposed land use plan provides for the preservation of 80% of the site as permanent open space. In addition, since 2005, the Tejon Ranch Company has entered into the Tejon Ranch Conservation and Land Use Agreement (Ranchwide Agreement) with five environmental organizations. The Ranchwide Agreement provides for the permanent protection, through dedication or sale of conservation easements, of approximately 90% of the 270,000 acre Tejon Ranch, in which the proposed Project is located (see Section 3.5.3 of the Draft EIR, TEJON RANCH CONSERVATION AND LAND USE AGREEMENT).

Response 39 D.

Commentor states that the developer has not provided assurances of long-term employment for all new residents, and notes that the existing community is burdened by high unemployment and long commutes. The Project is a mountain resort community intended for vacationing residents and guests, and does not seek to provide employment for these vacation homeowners. However, for those residents and guests whose jobs enable them to work from home or resort facilities, the Project is planned to include state-of-the-art telecommunications infrastructure.
Response 39 E.

Commentor notes the Project is portrayed in an article written by Edward Hume in the June edition of Los Angeles Magazine, as encroaching on Southern California's last frontier. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 39 F.

Commentor states he is proud that Frazier Park Ranch was recognized as a working partner in the California Condor Recovery Program, which has reintroduced condors to the wild. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 39 G.

This comment in part suggests that the Project would contribute to condor “extinction.”

The Project will not contribute to condor extinction and will preserve and enhance the value of Tejon Ranch for the conservation and recovery of the species. Please see Global Response 7.5.3 regarding condors. It is important to note that the current condor recovery program includes three other locations (central California, Baja California and Arizona) in addition to the southern California region that includes Tejon Ranch. Recovery efforts in a fourth location are also likely to be implemented in northern California. Within California, the majority of active condor nests with chicks are located in central California, far from Tejon Ranch. As a result, active condor survival and recovery efforts exist in parts of north America that do not rely solely on Tejon Ranch. In comparison with conditions 20 years ago, the status of the condor has markedly improved. By the late 1980s, less than 30 condors were still alive, none within the wild after 1987. At present, there are four separate breeding facilities in operation and maximum genetic condor diversity is maintained at three of these locations. Absent an event that simultaneously destroyed the current breeding and release program locations, and in significant contrast with the situation just two decades ago, there is little danger at present of the species becoming extinct. The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6), included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Draft EIR and CCP also address and consider the designation of approximately 131,947 acres of Tejon Ranch and 605,190 acres in California as condor critical habitat. Tejon Ranch does not contain any condor nesting sites. Approximately 37,099 acres of the Ranch encompassing the Tunis-Winters Ridge area has historically been used by condors for foraging and roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the U.S. Fish and Wildlife Service (USFWS) and lies outside of the Project area. As discussed in Draft EIR Section 3.5.3, in 2008 the Tejon Ranch Company (TRC) entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly formed nonprofit Tejon Ranch Conservancy (Conservancy). The Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–
Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. In addition, the Project, the Ranchwide Agreement and the proposed Tehachapi Upland Multispecies Habitat Conservation Plan (TUMSHCP) currently under review by the USFWS for approximately 141,886 acres of Tejon Ranch, including the proposed Project area, would result in the implementation of one of the most enforceable and extensive lead ammunition bans within the condor’s natural range, will generate significant funding for GPS monitoring technology, and will implement a variety of measures to contribute to the ongoing conservation and recovery of the species. As discussed in the Draft EIR and CCP, as a result of these measures and the permanent protection and preservation of approximately 240,000 acres of the Ranch, the proposed Project will not significantly impact the condor or condor habitat and will maintain or enhance the value of the Ranch for the conservation and recovery of the species.

Response 39 H.

Commentor states that the Condor Recovery Program has and continues to cost a great deal of taxpayer money, and believes this would be lost to satisfy greedy investors of the Project developer. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 39 I.

Commentor believes it is surprising that the Kern County Planning Department and Board of Supervisors have not acted to reject the Project, and suggests that financial pressure may be being applied. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The Planning Commission and Board of Supervisors will consider Project approval after reviewing the Final EIR for this Project.

Response 39 J.

Commentor feels that a smaller development around Castac Lake would be a better alternative to the proposed Project, and states his belief that the Project should be rejected in its current form. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to Chapter 6, ALTERNATIVES, of the Draft EIR for a thorough analysis of Project alternatives.

Response 39 K.

Commentor notes that he discusses several concerns below, and believes the Project will negatively impact the environment and ecology of the area. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Commentor's individual concerns are addressed below.
Response 39 L.

Commentor expresses concern regarding the traffic and air quality impacts that the Project will create, and states these should be carefully considered. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The Draft EIR includes a detailed analysis of the Project's potential traffic impacts in Section 4.15, TRANSPORTATION AND TRAFFIC, and potential air quality impacts in Section 4.3, AIR QUALITY AND CLIMATE CHANGE.

Response 39 M.

Commentor expresses concern that the Project could result in a higher unemployment rate in the Mountain Communities and Kern County, and make residents' lifestyles more burdensome. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The Draft EIR includes a detailed analysis of the Project's potential impacts on population and employment in Section 4.12, POPULATION AND HOUSING. It should be noted that social and economic changes resulting from a Project are not "environmental" impacts within the meaning of CEQA. See CEQA Guidelines § 15064(e).

Response 39 N.

This comment concerns the “shrinking” amount of groundwater available to the “hill communities.”

As discussed in Response to Comment 25-Q10, the Project’s water supply assessment (WSA) and Section 4.16 of the Draft EIR, UTILITIES AND SERVICES SYSTEMS, do not include the use of any groundwater, including local groundwater serving the Mountain Communities. The WSA and Draft EIR demonstrate that the Tejon-Castac Water District (TCWD) can meet Project water demands with three sources of supply: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water banked in and recovered from TCWD’s water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries under the TCWD's contracts with the Kern County Water Agency (KCWA), assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report prepared by the California Department of Water Resources (DWR). The WSA and Draft EIR also account for potential variability in rainfall as well as other potential supply disruptions related to factors such as climate change, Delta disruptions, and endangered species lawsuits. The WSA and Draft EIR show that the Project will have sufficient water supplies under the most conservative SWP delivery scenarios and without using any local or other groundwater. As a result, the proposed Project will not use any local groundwater and will have no impact on local groundwater.

Response 39 O.

The commentor addresses concerns related to groundwater levels in two wells on their property located in Frazier Park, upgradient from the Project. The commentor notes that the owner has had to deepen the well in order to continue to use it.

As discussed in Response to Comment 39-N, above, the Project does not intend to use groundwater for potable or non-potable uses, as discussed in Draft EIR Section 4.16, UTILITIES AND SERVICE SYSTEMS. However, for the purpose of providing additional information regarding the existing setting, it is noted that, based on the address given in the letterhead of the commentor, it appears that the comment addresses a well that is located in Cuddy Canyon Valley Groundwater Basin (California DWR Basin 5-82), approximately four and a half miles to the west of the Castac Lake (i.e., near the TRC pumping wells) and approximately 1,000 feet higher in elevation. Due to this distance and difference in elevation,
and the fact that the Cuddy Canyon Valley Basin is upgradient from the Castac Lake Valley Groundwater Basin where TRC’s wells are located, it is unlikely that groundwater extraction in the vicinity of Castac Lake has an impact on water levels in the property in question.

**Response 39 P.**

This comment addresses concerns that the SWP aqueduct may not have enough water to meet farming and urban demands in the future.

As discussed in Response to Comment 39-N, the Project WSA and Draft EIR analyze the sufficiency of three water sources to meet Project demands: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water banked in and recovered from TCWD’s water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries under the TCWD's contracts with the Kern County Water Agency, assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report. The analysis fully considers future reductions in SWP water that may occur due to hydrological variability, climate change, Delta disruptions, and endangered species lawsuits. Average year SWP deliveries, for example, are assumed to range from 63% to 68% of TCWD’s Table A allocations from KCWA, single dry year deliveries range from 6% to 7% of TCWD’s allocations, and multiple dry year deliveries range from 7% to 56% of TCWD’s allocations (see Draft EIR Tables 4.16-4 through 4.16-8 and WSA Tables 11 though 14). These delivery levels represent the lowest outcomes identified for average, dry and multiple dry years in the current SWP reliability report. The WSA and Draft EIR show that the Project will have sufficient water supplies under the most conservative SWP delivery scenarios. Draft EIR Mitigation Measure 4.16-5 further requires that TCWD maintain a 7-year indoor water supply in the TCWD's water banks for Project use. As a result, the Project has sufficient water supplies notwithstanding potentially significant SWP delivery reductions in the future.

**Response 39 Q.**

A portion of the comment addresses concerns that the Project could “eliminate” ground water supplies and cause the “hill communities” to become a “wasteland.”

As discussed in the Responses to Comments 39-N, 39-O and 39-P, the Project will not utilize or impact any groundwater or other supplies used by the Mountain Communities. As a result, the Project will not affect local groundwater supply and will not contribute to the potential decline of any of the Mountain Communities related to potential future groundwater supply reductions.
Comment Letter 40

To Whom It May Concern:

My husband and I moved to Frazier Park a couple of months ago and just bought a house in the area. We moved here because it is a small community that is away from the city. We moved here to raise our family. There are not many places that you can live that are not small towns and where you can enjoy the beauty of the outdoors. We love being able to live somewhere in California that has clean air instead of smog. There are so many species that have their habitat destroyed because of human activity, as well as environmental consequences.

By building the Tejon Mtn. Village and Frazier Park Estates, it will have an impact on all of these things. There are lots of chemicals that are put on golf courses to keep it green and those chemicals run into the ground water that is used for drinking water. Building homes, hotels, helipads etc are all temporary structures. By building these communities it would greatly impact the natural resources that we have. Our natural resources are getting destroyed every day due to humans.

(1) Why do these communities need to be built when there are lots of homes that are in foreclosure or vacant? Those homes need people to occupy them, not build more homes that people can’t afford and have them sit. (2) I know that the economy is not in a good state but there are more important things in the world then making money.

(3) If these communities get built, we are not going to want to live in the area anymore. (4) I don’t want to see the area built up and our natural resources yet again destroyed and the numerous endangered or threatened species to be at risk. (5) We need to save our natural resources for future generations.

CONCERNED CITIZEN
Comment Letter 40. Concerned Citizen (NO DATE)

Response 40 A.

Thank you for your comment. The concerned citizen notes that she and her husband recently moved to Frazier Park because they were looking for a small community away from the city that offers the beauty of outdoors, and has clean air. Commentor notes that many species' habitats have been destroyed because of human activity. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 40 B.

Commentor states that building Tejon Mountain Village and Frazier Park Estates will impact the natural beauty, clean air and species habitat in the area. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent that commentor raises issues with respect to the Frazier Park Estates development, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR. Please refer to Sections 4.1, AESTHETICS; 4.3, AIR QUALITY AND CLIMATE CHANGE; and 4.4, BIOLOGICAL RESOURCES for a discussion of the potential impacts of the Project on the region's natural beauty, air quality and species habitat.

Response 40 C.

Commentor states that lots of chemicals are put on golf courses to keep them green, and expresses concern that these chemicals can migrate to groundwater that is used for drinking water.

The Project’s potential surface water quality impacts are discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. The Project’s potential groundwater quality impacts are discussed on pages 4.8-58 through 4.8-60 in the Draft EIR.

The Project will implement a number of Mitigation Measures that specifically address potential water quality impacts associated with construction and ongoing operation of the Project golf courses. Mitigation Measures 4.8-1 through 4.8-9 are applicable to golf course construction (refer to pages 4.8-38 to 4.8-40 in the Draft EIR). Mitigation Measures 4.8-21 through 4.8-24 are applicable to ongoing operation and management of the Project golf courses (refer to pages 4.8-42 to 4.8-43 in the Draft EIR).

The golf course Mitigation Measures include site designs, source controls, and treatment controls that are intended to reduce the amount of fertilizers and pesticides that are applied to the golf course and the potential for these pollutants to migrate to surface water bodies and groundwater. The golf course specific Mitigation Measures include the following (refer to pages 4.8-42 to 4.8-43 in the Draft EIR):

- Mitigation Measure 4.8-21. Natural vegetation areas will be preserved to the extent possible for roughs and managed buffers. Buffers and setbacks will be maintained between intensively managed areas of the golf course and watercourses. Drought tolerant vegetation will be incorporated into managed buffers and landscape areas.

- Mitigation Measure 4.8-21. Cart paths and walking paths will be designed with minimum widths and/or with pervious pavements such as pervious concrete, porous asphalt, unit pavers, and
granular materials. Pervious pavements will also be considered for other impervious surfaces including hardscape, parking areas, and low traffic roadways.

- Mitigation Measure 4.8-21. Greens (the most intensely managed area) will be designed with underdrains to capture irrigation water that infiltrates past the root zone, or to reduce saturation in the root zone if it occurs. Underdrains will route collected water to vegetated areas for treatment or to the irrigation reservoirs for re-use. Underdrains shall have adequate separation from the groundwater table. Similarly, tee boxes (second most intensely managed area) will be designed with underdrains that drain to bioretention areas or swales.

- Mitigation Measure 4.8-21 - Turf for tees and greens will be selected with the optimal characteristics for the climate and soils in order to reduce irrigation, pesticide and fertilizer requirements, and to improve resistance to diseases. Smart irrigation controllers will be used for all areas to reduce irrigation water demand.

- Mitigation Measure 4.8-22. A Spill Prevention and Control Plan shall be prepared to ensure chemicals and fuels are properly stored and used to prevent contamination of site runoff. The plan will include requirements for storing stockpiled materials, such as sand, divot repair components, and green waste.

- Mitigation Measure 4.8-23. A Golf Course Landscape Management Plan will be prepared that describes fertilizer application guidelines, irrigation requirements, and integrated pest management (IPM) procedures.

- Mitigation Measure 4.8-24. A Training Manual and Outreach Plan will be developed for employees to help staff understand the types of onsite practices and activities that can affect water quality, and how to identify incorrect procedures and remedy them.

- Mitigation Measure 4.8-27. Vegetated bioretention areas and swales will treat runoff from golf course related structures (club house, half-way houses, restrooms), impervious parking areas and roadways, and maintenance facilities.

- The Project’s potential impacts on surface and groundwater quality from construction and ongoing management of the golf courses were determined to be less than significant after implementation of mitigation measure discussed above (refer to pages 4.8-38 and 4.8-60 in the Draft EIR).

Response 40 D.

Commentor states that building homes, hotels and helipads are temporary structures, and believes that building Tejon Mountain Village and Frazier Park Estates would greatly impact the area's natural resources. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent commentor raises issues with respect to the Frazier Park Estates development, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR. The Draft EIR contains a thorough analysis of the Project's potential impacts on the region's natural resources and incorporates numerous mitigation measures to minimize potential impacts. It should be noted that the Project does not envision constructing "temporary" structures as suggested by commentor.
Response 40 E.

Commentor states that natural resources are getting destroyed every day due to humans. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 40 F.

Commentor asks why Tejon Mountain Village and Frazier Park Estates need to be built when there are many homes that are in foreclosure or are vacant. This comment does not specify a particular issue with respect to the Frazier Park Estates development, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR. As described in Draft EIR Chapter 3, PROJECT DESCRIPTION, the applicant's Project objectives include creating a unique, low-density mountain resort community. Neither this objective, nor any of the other Project objects, can be satisfied by inhabiting foreclosed and vacant homes.

Response 40 G.

Commentor states that those foreclosed and vacant homes need people to occupy them, and suggests that there is not a need to build more homes that people cannot afford. This comment does not specify a particular issue with respect to the Frazier Park Estates development, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR. Please refer to Response 40-F, above, regarding foreclosed and vacant property.

Response 40 H.

Commentor believes that although the economy is not in good shape, there are more important things in the world than making money. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 40 I.

Commentor states that, if Tejon Mountain Village and Frazier Park Estates are built, she will not want to live in the area anymore. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent commentor raises issues with respect to the Frazier Park Estates development, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR.

Response 40 J.

Commentor notes that she does not want to see the area built up, its natural resources destroyed, or its threatened species put at risk. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The Draft EIR includes a thorough analysis of the Project's potential impacts on natural resources and incorporates numerous mitigation measures to minimize potential impacts. In particular, please refer to Section 4.4, BIOLOGICAL RESOURCES, for an analysis of the Project's potential impacts on species. It should be noted that approximately 80% of the Project site will be maintained as open space.
Response 40 K.

Commentor believes we must save our natural resources for future generations. Please refer to Response 40-J, above.
Comment Letter 41

July 8, 2009

Lorelei Oviatt, Director of Operations
Kern County Planning Department
2700 M Street Suite 100
Bakersfield CA 93301

RE: Public Comment on Tejon Mountain Village

Dear Ms. Oviatt:

Thank you for the opportunity to comment on Tejon Mountain Village and evaluate the incremental child care that will be created by a housing development of 3,450 new homes and 160,000 square feet of new commercial space, and 750 hotel and resort units in Frazier Park.

I estimate that approximately 3,000 or more children birth to 12 years are likely to reside in the new housing development.

This translates into the following numbers of children needing child care for certain age ranges and parents’ labor participation rates:

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Number of Kids</th>
<th>Labor Participation</th>
<th>Total Needing Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 2 years</td>
<td>500</td>
<td>49%</td>
<td>245</td>
</tr>
<tr>
<td>3 to 5 years</td>
<td>750</td>
<td>48%</td>
<td>365</td>
</tr>
<tr>
<td>6 to 9 years</td>
<td>1,000</td>
<td>58%</td>
<td>580</td>
</tr>
<tr>
<td>10 to 12 yr</td>
<td>750</td>
<td>58%</td>
<td>435</td>
</tr>
</tbody>
</table>

TOTAL children needing care outside the home = 1,625

Many parents will use family, friends, neighbors, and nannies for child care. Based on child care usage rates, there are 700 children in this new development that are likely to use quality, licensed child care or a qualified after school enrichment program, as shown below.

41-A
41-B
41-C
Comment Letter 41, Cont.

0 to 2 years - 245 kids x 37% usage rate = 90 infants/toddlers
3 to 5 years - 365 x 60% usage rate = 220 preschoolers
6 to 9 years - 580 x 50% usage rate = 290 young after school
10 to 12 yr - 435 x 25% usage rate = 100 older after school

TOTAL children likely to need quality, licensed child care = 700

CONCLUSION

Tejon Mountain Village is likely to increase the local child care need by 700 quality, licensed child care spaces.

The Early Childhood Council of Kern has just completed a study of child care supply and demand in Kern County*, including the South Mountain Region and Frazier Park. This is the most underserved community in Kern County for child care with only one in 10 infants, toddlers, and school age children able to access quality, licensed child care, and one in two preschoolers. This community cannot take on any additional child care shortage that would result from the Tejon Mountain Village development.

Ideally, the Tejon Mountain Village developer would include several large child care centers in the development plans. Having on-site child care centers at Tejon Mountain Village would be a marketable differentiating feature that could help absorb new housing units. Centrally located child care centers would also decrease vehicular miles.

Additional child care needs could be met by several family child care homes at Tejon Mountain Village. The developer could work with the local school district and the parks and recreation district on increasing preschool and after school programs.

We alerted the Tejon Ranch Co. on the need for planning for child care on several occasions since 2004. We stand ready to assist in the design and development of child care facilities and in recruiting operators. Please convey this to the developer and let me know if I can be of further assistance in meeting the child care needs of the Frazier Park area.

Very truly yours,

Dana Adams, MBA
Child Care Intermediary

* The Kern County Child Care Needs Assessment 2008 can be viewed at http://kcso.kern.org/eccouncil
Comment Letter 41. Kern LINCC (July 8, 2009)

Response 41 A.

Thank you for your comment. The comment from Kern LINCC states that LINCC’s comments concern the incremental child care that will be created by the Project, and accurately describes the Project. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 41 B.

The comment includes an estimate of the total number of children needing care outside the home that are likely to live at the Project. The comment does not raise specific concerns about the Project or Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors. It should be noted, however, that while the Draft EIR contains population estimates, as described in Section 4.12, POPULATION AND HOUSING. These estimates are based on an assumption of full-time residency, when in fact it is likely that many Project residents will be part-time residents. Thus, the child care needs generated by the Project will likely be lower than estimated by commentor.

Response 41 C.

The comment describes the number of children likely to need licensed child care. The comment does not raise specific concerns about the Project or Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 41 D.

The comment states that the local community cannot take on any additional child care shortage that would result from operation of the Project. The comment does not raise specific concerns about the Project or Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors. It should be noted that child care facilities are a permitted use within the village mixed-use area of the proposed Project.

Response 41 E.

Commentor recommends including several large child care centers in the development plans, and notes that on-site childcare could differentiate the Project, and result in decreased vehicular models. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Pre-schools are a permitted use in the proposed zoning as identified in the Tejon Mountain Village Special Plan Sheet 2 of 17. See Tejon Mountain Village Specific and Community Plan and Special Planning District of the Draft EIR.

Response 41 F.

Commentor suggests that the Project developer work with the local school district and the parks and recreation district to increase preschool and after school programs. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Given the resort aspects of the Project, there will be opportunities for older students to be trained and employed, including but not limited to: hotel management, club management, golf course operations, open space management, retail and restaurant operations.

Members of the general public, including the school age population, will have access to the open space lands that are managed by the Tejon Ranch Conservancy. The Tejon Ranch Conservancy is an independent entity from Tejon Mountain Village LLC and has already begun a series of docent lead hikes on Tejon Ranch which are aimed at providing both recreational and educational opportunities for the general public. Student hikes may be arranged through the Conservancy and will be led by trained docents. For more information about the Conservancy please see www.tejonconservancy.org.

The developer has indicated a willingness to continue its efforts to work with the school district to develop relevant and meaningful supplemental learning experiences for students. Tejon Mountain Village has previously committed to working with the El Tejon Middle School science program. The first such program is proposed to educate students about oak trees. The proposal entails classroom instruction by a professional biologist about oak tree reproduction and preservation efforts on Tejon Mountain Village as well as a hands on component to allow the students to participate in collecting, preparing and planting acorns as well as growing them into seedlings (See the Tejon Mountain Village Oak Resources Management Program located within Appendix C of the Specific Plan). Other opportunities, such as participating in the Tejon Ranch Conservancy’s Citizen Science Program, will help to teach children about the important ecosystems on the ranch and will provide them with an opportunity to learn about the diversity of flora and fauna on the conserved lands.

Response 41 G.

The comment states that commentor has notified Tejon Ranch Company of the need to plan for child care on several occasions, starting in 2004. Commentor offers its assistance in designing child care facilities and recruiting operators. Commentor's willingness to assist is appreciated, and will be noted for the record and provided to the Planning Commission and Board of Supervisors.
Comment Letter 42

Craig Murphy - Fwd: Tejon Mtn Village DEIR Comment

From: Craig Murphy
Subject: Fwd: Tejon Mtn Village DEIR Comment

>>> <rschmidt@rain.org> 07/10/2009 9:35 AM >>>
Kern County Planning Department

Please consider the following as comments on the DEIR for Tejon Mountain Village.

1. Given the complexity of this 21,000 page document and the difficulties the County has created in making it accessible and the short comment period, it is impossible to offer anything approaching comprehensive comments. So I’ll focus on two major concerns regarding water.

2. Nobody should doubt Tejon Mountain Village’s impact on local water supply will be anything but disastrous. The DEIR is not honest in dealing with this issue. Stating that domestic water will come from Tejon’s State Water Project allotment is reassurance for the ignorant, for the SWP is so oversubscribed it will be unable to meet it’s contractual water delivery promises except in extraordinarily wet years -- thus the term “paper water” to describe this water source. This fact is well documented, widely known, supported by the problems with SWP deliveries this year, and cannot be ignored in an EIR. So, in all likelihood, TMV’s water-guzzling urbanites in their 3,000+ estate homes with well-irrigated grounds will be pumping from the same already-overpumped aquifer as existing residents. What happens when that runs dry (which it will if overpumped)? Talk about destroying property values and tax base! A DEIR is supposed to look beyond the financial interests of the project applicant, and examine long-term impacts likely from a project. This DEIR fails by that measure.

3. As for the county’s collusion with Tejon to claim Tejon Lake is not part of “the project” subject to EIR analysis, the county’s skating on thin ice in summer’s heat.

EIRs must assess cumulative project impacts, and there’s no way the lake can be ignored under that standard. It is well documented that several thousand acre feet per year are being pumped from the same over-pumped aquifer that supplies existing mountain communities just to make this picturesque feature of TMV possible.

Further, it is illegal to “piecemeal” a project to avoid EIR analysis of the inconvenient or to minimize real impacts. If the lake is not a part of TMV, then please explain just what it is. If it’s not part of the project, then it must be made to go away altogether, not just in words on paper.

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My layman’s guess, if the county sticks to this silliness, is they’ll further lengthen the EIR process by being sued, having to pay the plaintiff’s legal fees, and then redoing the EIR properly, under court supervision. Sometimes “fast-tracking” a project document to please the applicant does nobody any favors; it just makes things slow down and take longer and get more expensive.

4. In light of the serious problems with this document, it is not ready to be passed along to the final EIR phase. It must be viewed as a rough draft of a DEIR, with a subsequent reframed DEIR submitted to the public for comment prior to creation of a final EIR. As stated above, sometimes cutting corners just makes for a longer path, and this is one of those instances.

5. Given Kern County’s long-standing troubled public planning history, these sorts of faults in a DEIR are not surprising. But my question to the planners is this: many of you are honest people who’d like to do honest work. At what point do you stand up as professionals to act as leaders to turn around Kern’s long-troubled planning practices and to provide a truly outstanding quality of work? Isn’t this about that time?

Richard Schmidt
1709 Linden Ct.
Pine Mountain, CA
(not a mail address)
rschmidt@rain.org

about:blank 07/13/2009
Comment Letter 42. Richard Schmidt (July 10, 2009)

Response 42 A.

Thank you for your comment. The comment from Richard Schmidt states that he found it impossible to offer comprehensive comments on the Draft EIR due to the complexity of the document, the difficulties the County created in making it accessible, and the short comment period. Please refer to Response to Comment 25-C and Letter 59 regarding the time provided for review of the Draft EIR. Commentor also states that he will focus on two major concerns regarding water. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 42 B.

This comment suggests that the State Water Project (SWP) is oversubscribed and “paper water” and that the Project will be forced to use groundwater, which will ultimately lower property values and tax base of the surrounding area that depends on the underlying groundwater supplies.

The Project water supply assessment (WSA) and Draft EIR account for applicable supply variability, do not involve the use of any groundwater, including local groundwater supplies, and do not rely on any “paper water” assumptions (i.e. assume that 100% of SWP contract SWP will be delivered) in the analysis. The Tejon Castac Water District (TCWD) will supply water to the Project from three sources: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water stored in and recovered from TCWD’s water banking facilities in the Kern Water Bank (KWB) and Pioneer project; and (3) SWP deliveries under the District’s contracts with the Kern County Water Agency, assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report prepared by the California Department of Water Resources (DWR). Average year SWP deliveries, for example, are assumed to range from 63% to 68% of TCWD’s contract allocations, single dry year deliveries are assumed to range from 6% to 7% of contract allocations, and multiple dry year deliveries are assumed to range from 7% to 56% of contract allocations (see Draft EIR Tables 4.16-4 through 4.16-8 and WSA Tables 11 though 14). These delivery levels represent the lowest outcomes identified in the current SWP reliability report for average, dry and multiple dry years. The WSA and Draft EIR also document TCWD’s existing level of water bank storage and identify future recharge over on historical hydrology records provided by KCWA for the Project’s WSA. Finally, the analysis considers recycled water that will be produced from a wastewater treatment plant for Project use. None of these supply sources represent “paper water” and adequately take account of the SWP’s system’s future delivery variability. The WSA and Draft EIR also account for potential variability in rainfall as well as other potential supply disruptions related to factors such as climate change, Delta disruptions, and endangered species lawsuits. As discussed in Response to Comment Letter 25-R10, no groundwater, including any supplies that serve the Mountain Communities, will be used by the Project. The WSA and Draft EIR show that the Project will have sufficient water supplies under the most conservative SWP delivery scenarios and without using any local or other groundwater. Draft EIR Mitigation Measure 4.16-5 further requires that TCWD maintain a 7-year indoor water supply in the District’s water banks for Project use. According to this mitigation measure, building permits will not be issued by the County, unless a 7 year indoor water supply is available for all existing buildings plus those applications for building permits.

Consequently, the Project will not use, pump, over pump or otherwise impact any local groundwater supplies. As such, property values and tax base will not be impacted due to use of groundwater associated with Tejon Mountain Village.
Response 42 C.

The commentor states that EIRs must assess cumulative project impacts and asserts that the lake cannot be ignored under that standard. Thank you for your comment. Please refer to the Global Response 7.5-1 for a complete discussion regarding Castac Lake.

Response 42 D.

The comment includes the commentor's opinion that the County will likely be sued, further lengthening the EIR process, and resulting in a judgment requiring the County to pay a plaintiff's legal fees. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 42 E.

Commentor believes that the Draft EIR is not ready to be finalized, but should be viewed as a rough draft and resubmitted in draft form once more before a Final EIR is issued. This comment does not raise any issue related the CEQA requirement to recirculate a revised Draft EIR, and recirculation is not warranted. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 42 F.

Commentor notes that the County has a troubled history of public planning, and questions the competence of County planners. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 43

July 10, 2009

Kern County Planning
Re: Tejon Mountain Village

I’ll be direct and to the point. There should be NO MORE DEVELOPMENT of ANY size until there is a comprehensive water study completed for this area. This doesn’t mean they can’t build, ever. It only means the owners of this property, just need to wait. Wait until we have enough proof that it’s safe for ALL. This is an immense project, which matches the population of the ENTIRE Mountain Communities. Because of the size of this project it is the responsibility of all involved to make sure everything is right, safe, and fair for all concerned parties, even if it takes a very long time before it’s approved. This includes all impacts of any kind.

There is still much controversy concerning just where the water for this project including the now excluded lake is coming from. I question why, suddenly they’ve removed the lake, which is a point of interest for the location of the project from the project. This does not seem like a developer who is sincerely interested in the welfare of its’ surrounding community. If they’ve been using water from local aquifers (for many years) to fill the lake and they remove the lake from the project does that stop them from continuing to fill the lake using local aquifers? Everyone in our community knows Tejon Mountain Village has a lot of money. They have been giving generously to many worthwhile organizations in our community. For this we should all be thankful, however we still should not have to feel beholden to them. They have a lot of good designs and eventually it will be a nice project.

The best answer for this area in any “amending” of our specific plan is: NO, not yet. Nothing mean or nasty, just, not yet.

A 50-year incidental take permit, which will affect 27 endangered species, that seems crazy to me. That’s half a century! Wouldn’t it be better to ask for 5 or 10 years? Isn’t it easier to monitor the results and adjust things if a risk arises for these species? That seems much more responsible and reasonable. Then, if all is well the permit gets renewed.

If there will be significant impacts of any kind to the existing communities, and this has already been proven so, it becomes a frustrating point for me that they still wish to continue their project in immense proportions anyway. I pray that our Board of Supervisors does not fall into the trap of “it will bring much needed revenue to our County”. Yes it will eventually.

If it is approved before all questions are resolved, what will be the loss to the community, which already exists? How much will that cost the County? There are still too many what ifs. The new question becomes, “Can you sleep at night”?

It is like a child who asks to make cookies. Her mother tells her “not until we can go to the store to get milk and eggs, those are necessary to make the cookies”. But the child asks an hour later, “can we make cookies now?” No, Not Yet, we still haven’t been to the store to get the milk and eggs. It is possible to make some really good cookies if you use the best grade chocolate chips and sift the flour twice, chop the nuts just right, but if all of the necessary ingredients aren’t available there will not be a positive outcome. We don’t have the milk and eggs for this project. No, Not Yet.

Thank you so much, for your time, and thoughtful consideration of this area,

Sincerely,
Janine Tominaga
Comment Letter 43. Janine Tominaga (July 10, 2009)

Response 43 A.

Thank you for your comment. Janine Tominaga states that development should not occur until a comprehensive water study is completed for the area. The Draft EIR contains a Water Supply Assessment, which is attached as Draft EIR Appendix N-1 and discussed in Section 4.13, UTILITIES AND PUBLIC SERVICES. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 43 B.

The comment urges the County to wait to approve the Project until there is proof that the Project will be safe for the Mountain Communities, including all impacts of any kind. All potential environmental impacts of the Project have been thoroughly analyzed in the Draft EIR. Please refer to Chapter 4, ENVIRONMENTAL ANALYSIS, of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 43 C.

The comment states that there is controversy over where the water for the Project, including water for Castac Lake, is coming from. The water supply for the Project is discussed in detail in Section 4.16 of the Draft EIR, UTILITIES AND SERVICE SYSTEMS. Castac Lake, including the history of management activities and environmental conditions at the Lake, is discussed in Global Response 7.5.1. The commentor does not specify a particular issue with respect to the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 43 D.

The comment questions why Castac Lake has been removed from the Project description. Please refer to Global Response 7.5.1, Castac Lake. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 43 E.

The comment suggests that the Project applicant does not have the community's interest at heart, and asks whether water from local aquifers will continue to be used to fill Castac Lake. Please refer to Global Response 7.5.1, Castac Lake. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 43 F.

The comment notes that while the Project applicant has donated generously to community organizations, the County should not feel beholden to them. Commentor believes that the Project applicant has a lot of good designs, and the Project will eventually be nice. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 43 G.

Commentor requests that the Specific Plan approval process be delayed by an indefinite term. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors for their review.

Response 43 H.

Commentor questions the 50-year duration of the proposed Incidental Take Permit that is part of the Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP) process, pending before the US Fish and Wildlife Service (USFWS). Commentor suggests an alternate permit duration of 5 or 10 years, with future adjustments accommodated as needed based on monitoring and permit renewals. Commentor's questions regarding the TUMSHCP permit duration lie within the jurisdiction and control of the USFWS, and not the County. For information purposes only, typically Habitat Conservation Plans (HCPs) have longer terms to provide greater certainty for both species protection and land use purposes. Adaptive management, as well as monitoring, are integrated into the HCP itself to assure the ongoing effectiveness of HCPs over time.

Response 43 I.

Commentor objects to Project implementation if there are any adverse impacts to existing communities. The Draft EIR identifies Project impacts, mitigation measures, and unavoidable impacts. Consequences of Project implementation are described in Draft EIR Chapter 5. Commentor's opinion is noted and will be forwarded to the Planning Commission and Board of Supervisors.

Response 43 J.

Commentor expresses her hope that the Board of Supervisors will not approve the Project simply to bring much-needed revenue to the County, which she believes will happen eventually. These comments have been noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 43 K.

Commentor questions what the loss to the community will be if the Project is approved before all issues are resolved, and at what cost to the County such a decision would come.

These comments have been noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The Draft EIR contains several sections that describe the development fees that the Project will have to pay and the public facilities and operational costs that the Project will be required to provide. Please refer to Sections 4.3, AIR QUALITY AND CLIMATE CHANGE, 4.14, RECREATION, 4.15, TRANSPORTATION AND TRAFFIC, and 4.13 PUBLIC SERVICES. All of the improvements within the Project will be either constructed by the Project proponent or funded through Community Facilities Districts, Geologic Hazard Abatement Districts, Property or Homeowner’s Associations or other similar entities. A majority of the roads and open space within the Project will be privately owned and maintained at no expense to the County. Although not included in the Draft EIR, the Draft Development Agreement includes a requirement that the Project will provide paramedic service through the Fire Department.
Response 43 L.

The commentor relates a story about baking cookies to illustrate that the Project is not yet ready for implementation. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 44

From: Mary Ann Lockhart <jmal@frazern.com>
To: murphy.kemplanner <murphyec@co.kern.ca.us>
Date: 07/11/2009 10:06 AM
Subject: enclosed copy of comments on fraz estates, tmv (with ref to Centennial)

TMV TO Kern County Planning Dept
Bakersfield, California
July 8th, 2009

You are right, officials of the Kern County Planning Department, in regard to the Frazier Park Estates, Tejon Mountain Village, and even Centennial
One does not have to read all the documents concerning the three proposed developments by Tejon Ranch Corporation, two in Kern County (Frazier Park Estates and Tejon Mountain Village) and one in Los Angeles County (Centennial), to know that these proposals should have no support whatsoever. The reason being that if the above-noted developments slated to be built in the Tejon Pass area, were to become realities it is estimated that 100,000 persons would be put at more than considerable and absolutely unnecessary risk of loss of life and property. The Tejon Pass area is a very high risk area for a large quake on the San Andreas fault within the next thirty years. The San Andreas in the southern region has been given the highest probability number for earthquake action, 59% for 6.7 and higher quakes within thirty years. Knowing this high risk it makes no sense to allow such large housing projects to be established in this area. There is the quote from an interview given by Lucy Jones, USGS on PBS and still supported completely by Ms. Jones this year: "The most likely (big) one for Southern California is the San Andreas fault, say, from the Salton Sea up through Palm Springs, through Beaumont-Banning area, up through Riverside-Redlands, San Bernardino, Wrightwood, Palmdale, up to Fort Tejon. That's two hundred fifty miles. That's a section that we think has gone coherently in the past producing one magnitude 8 earthquake. Anywhere within ten or twenty miles of the fault from Fort Tejon all the way down to the Salton Sea is going to be as badly damaged as the worst part of the San Fernando Valley in the 1994 earthquake."
Add to this the possible force created if movements on the Garlock Fault, which runs down the middle of the proposed Tejon Mountain Village, would be triggered by a big jolt from the San Andreas.
In addition to the earthquake predictions viewed and reviewed by many esteemed geologists, there are all the other areas of impact concern which surely will be presented to you: protection of the condor foraging lands, adequate protection of known and unknown endangered species, unwise (and maybe not acknowledged legally) drain on area groundwater for a lake creation on Tejon lands, and all the generally acknowledged negative effects of uncontrolled sprawl such as traffic increases, air pollution increase, unnecessary and serious damage to natural areas and so on.
So one has to ask, why have these development proposals been allowed to go so far? Is any real public need served if these projects are allowed?
There is no cost housing included, there is no assurance of above minimum wage permanent jobs, there is no further support of local health care institutions. There is no way to calculate exactly the potential damage to a unique large natural area located in one of the ten natural world's hot spots and needing special protections from human impacts Then there is the potential burden on all the taxpayers who will not benefit directly from these projects but who will have to pay for the costs of all and above what is promised by the proponents of increased traffic, effects of increased air pollution, and increased need for public services such as fire, police, health as well as the uncertain costs increased by the probable actual occurrence of a big earthquake on an increased size of population. It could well become the Tejon Fiasco, comparable to Katrina.

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One official said something to the effect “Now we are paying for the sins of the past...” That remark could surely be repeated with sighs of deep regret and much anger by future decision makers if these unnecessary projects are permitted.

Mary Ann Lockhart
PO BOX
Frazier Park, CA
93222

Note: The above are my personal opinions that may or not be similar to expressed opinions of others. A note just to remind other future readers: The area known by many as the Tejon Pass (widely recognized for I-5 traffic closures due to snow and big-rig related accidents) would be harshly impacted were these proposals approved. The Pass area extends from the lowlands of Castaic, north of Santa Clarita, rising up to 4000 ft surrounded by areas up to 9000 ft, and then descending to this area is less understood as being an area designated by the USGS as one of the very highest of high risk earthquake areas. Very little attention appears to have been given to the predictions for such an earthquake.

PBS carried an interview with Lucy Jones of the USGS several years ago. To quote:

“...When we get to our magnitude 8, that 7.9 and 8, the one thing is that they (earthquakes) can probably only happen on the San Andreas fault.

Hena Cuevas>> When there is an earthquake of 7.9 and 8, what is the range of the area that would be affected, as much as you can predict?

Lucy Jones>> Well, actually, we can predict the consequences of the earthquake very well. ...But to have a magnitude 8 means that we'll have a fault about two hundred fifty miles long. The most likely one for Southern California is the San Andreas fault, say, from the Salton Sea up through Palm Springs, through Beaumont-Banning area, up through Riverside-Redlands, San Bernardino, Wrightwood, Palmdale, up to Fort Tejon. (the site of the 1857 quake, considered by many to be the largest recorded quake in Calif. history located across the highway from Tejon Ranch headquarters) That's two hundred fifty miles. That's a section that we think has gone coherently in the past producing one magnitude 8 earthquake. Anywhere within ten or twenty miles of the fault from Fort Tejon all the way down to the Salton Sea is going to be as badly damaged as the worst part of the San Fernando Valley in the 1994 earthquake.

Immediately the question comes to mind: since that is true why choose to even think about allowing consideration for approval of these projects?

Money seemed to be the first and primary reason: promises of high taxes to be paid, promises of jobs, contributions of dollars here and there, all the usual...but at what price? No real accounting of the potential damage to a unique large natural area and the potential burden on all the taxpayers of the county ... and the state for that matter... to pay for the costs of increased traffic, increased air pollution, increased need for public services such as fire, police, health and drain on the water supply and the...
Comment Letter 44, Cont.

uncertain costs increased by the actual occurrence of an earthquake on the increased size of the population.
Here are some of the highlights:
The proponents were aware of questions to come about this. At the very first public community meeting in the area there were large three-dimensional maps of the area being proposed for development. It was quite a show. However the map makers made one big omission, by neglect or request is not known. They made no indication of the existence of the various earthquake faults, that come together in this very area. The question came from the audience, where are the faults? The answer, very brief, acknowledged that the Garlock Fault was there.
Comment Letter 44. Mary Ann Lockhart (July 11, 2009)

Response 44 A.

Thank you for your comment. Mary Ann Lockhart states that the Kern County Planning Department is correct with respect to three developments: Tejon Mountain, Frazier Park Estates Village and Centennial. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent the commentor raises issues with respect to the Frazier Park Estates and/or Centennial developments, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR.

Response 44 B.

Commentor states that one does not have to read all documents concerning Tejon Mountain Village, Frazier Park Estates and Centennial to know that these proposals have no support. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. To the extent the commentor raises issues with respect to the Frazier Park Estates and/or Centennial developments, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR. It should be noted that Tejon Ranch Corporation does not have any affiliation with the Frazier Park Estates project.

Response 44 C.

Commentor states that, if Tejon Mountain Village, Frazier Park Estates and Centennial were to be built in the Tejon Pass area, more than 100,000 people would be put at risk of loss of life or property due to the region's seismic activity. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. As discussed in Section 4.12, POPULATION AND HOUSING, the proposed Project would accommodate approximately 10,671 people at full buildout. To the extent the commentor raises issues with respect to the Frazier Park Estates and/or Centennial developments, these comments are beyond the scope of these Final EIR responses to the Tejon Mountain Village Draft EIR. Specific concerns raised by commentor regarding seismic risks associated with the Project are addressed below.

Response 44 D.

Commentor states that the Tejon Pass area presents a high risk for a large earthquake on the San Andreas fault within the next 30 years, and maintains that the southern region of the San Andreas fault is considered to have a 59% probability of a Magnitude 6.7 earthquake or higher within the next 30 years. Commentor states her belief that, given the seismic risks, siting a large housing development in the area is inappropriate.

Please refer to Response 25-S6 for a discussion of the risks described by commentor. The 30-year probability cited by commentor refers to a possible event on one of eight fault segments, most of which are not close to the proposed Project. The San Andreas Fault segments closest to the site have individual probabilities of a Magnitude 6.7 or greater earthquake of about 25% in 30 years. Commentor's opinion that the Project should not be approved based on seismic risks is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Response 44 E.

Commentor provides a quotation from Lucy Jones of the U.S. Geological Survey (USGS) regarding the risks of a large earthquake on the San Andreas Fault, including in the Project area. Ms. Jones predicted that anywhere within 10 to 20 miles of the fault from Fort Tejon to the Salton Sea would likely experience damage similar to the San Fernando Valley in the Northridge earthquake in 1994.

Please refer to the Responses 25-S6 and 44-D for a discussion of the risks described by commentor. As explained, the risks of a large earthquake in southern California are lower than suggested by commentor. In addition, the type of damage experienced during the Northridge earthquake in 1994 was largely the result of old structures built prior to the 1980s and is not expected to occur with respect to modern structures such as those associated with the Project. The referenced text is accurately quoted, as is the author's comparison to damage risk relative to the Northridge earthquake. This comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 44 F.

Commentor expresses concern that the seismic activity on the Garlock fault could be triggered by seismic activity on the San Andreas Fault.

Please refer to the Response to Comment 25-U6 for a discussion of the interaction of the Garlock and San Andreas faults. Comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 44 G.

This comment indicates that “protection of the condor foraging lands” is a matter of concern.

The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6), included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Draft EIR and CCP also address and consider the designation of approximately 131,947 acres of Tejon Ranch and 605,190 acres in California as condor critical habitat. As discussed in Draft EIR Section 4.4, BIOLOGICAL RESOURCES, approximately 4,800 acres of the proposed Project’s 7,867-acre development envelope is within designated condor critical habitat on the Ranch. As discussed in Section 3 of the Draft EIR, PROJECT DESCRIPTION, at full buildout approximately 5,082 acres of the 7,867-acre development envelope would be subject to development. Tejon Ranch does not contain any historical or current condor nesting sites. Approximately 37,099 acres of the Ranch encompassing the Tunis-Winters Ridge area has historically been used by condors for foraging and roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the U.S. Fish and Wildlife Service (USFWS) and lies outside of the Project area. As discussed in Draft EIR Section 3, in 2008 the Tejon Ranch Company (TRC) entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly formed nonprofit Tejon Ranch Conservancy (Conservancy). The Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward.
throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. In addition, the Project and the Ranchwide Agreement would result in the implementation of one of the most enforceable and extensive lead ammunition bans within the condor’s natural range, will generate significant funding for GPS monitoring technology, and will implement a variety of measures to contribute to the ongoing conservation and recovery of the species. It should be noted that predator kills were the principal food of condors in this area prior to the initiation of ranching and farming with the advent of European settlers in the region. Predator kills have been relatively infrequent since farming and ranching became widespread in the condor’s range. As a result, condor survival over the past two hundred years has become much more dependent on animal carcasses produced by human ranching and hunting activities, including within Tejon Ranch. Hunting and ranching within Tejon Ranch and the Project site will continue after full build-out, thereby maintaining the pattern of ranch- and hunting-related food supplies that has been critical to supporting California condors throughout their range. These activities, moreover, would be specifically managed to benefit condors in the future rather than incidental to other human activities in the Ranch. As a result, the land conservation and management measures that would be implemented by the Project in conjunction with the Ranchwide Agreement maintain and enhance the value of Tejon Ranch condor foraging habitat.

Response 44 H.

Commentor states that an area of concern is adequate protection of known and unknown endangered species.

Impacts to biological resources, including endangered species, are discussed in the Draft EIR in Section 4.4, BIOLOGICAL RESOURCES. Protection of endangered species is specifically addressed in Section 4.4.4, IMPACTS AND MITIGATION MEASURES, of the Draft EIR. The impacts and mitigation measures relating to special-status species, including endangered species, are summarized within Table 4.4-153, on pages 4.4-240 through 4.4-377 of the Draft EIR. Table 4.4-153 summarizes the following information with respect to special-status species: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate impacts/benefit that species, and the significance of the impact after mitigation. Based on the CEQA analysis, adequate protection is considered to be provided, relative to the proposed Project impacts, for those special-status species for which it is determined that impacts would be reduced to less than significant after mitigation. Regarding unknown endangered species, the Draft EIR addresses impacts to 62 special-status species, including 20 plant species and 42 wildlife species. Of the 62 special-status species, 6 state and/or federally listed species occur on site. The remaining 56 special-status species could be listed in the future and, in that respect, unknown endangered species are addressed in the analysis. In addition, the Draft EIR addresses impacts to and protection of modeled potential habitat for these 62 special-status species, preserving the habitats in a configuration to support the life history requirements of a wide variety of species, including special-status and other species not currently recognized as special-status species.
Response 44 I.

The comment from Mary Ann Lockhart addresses concerns related to an “unwise (and maybe not acknowledged legally) drain on area groundwater for a lake creation on Tejon lands.” Please refer to Response to Comment 24-M, Response to Comment 24-P, Response to Comment 24-LL and Response to Comment 46a-A3 for a complete response regarding groundwater conditions in the vicinity of the Project.

Response 44 J.

Commentor raises general concerns regarding the air quality impacts of the Project. The comment is noted in the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to Section 4.3, AIR QUALITY AND CLIMATE CHANGE for a thorough analysis of the Project's potential air quality impacts.

Response 44 K.

Commentor states that the Project is "sprawl" and as a result, could cause traffic increases. Commentor is referred to Response 24-J2 for an explanation as to why this mountain resort Project is not considered sprawl. Commentor is correct that the Project will increase traffic volumes; Section 4.15 of the Draft EIR, TRANSPORTATION AND TRAFFIC, along with related technical reports and Responses, evaluates Project traffic impacts and includes mitigation measures.

Response 44 L.

Commentor states that an area of concern is unnecessary and serious damage to natural areas.

The significance criteria used to evaluate impacts to biological resources are listed on page 4.4-78 of the Draft EIR. While the significance criteria do not specifically address damage to natural areas, the significance criteria do address impacts to sensitive natural communities, as identified in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-2):

**Thresholds of Significance**

The Kern County CEQA Implementation Document and Kern County Environmental Checklist state that a project could potentially have a significant effect if it:

- Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as being a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-1);

- Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-2);

- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Impact 4.4-3);

- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites (Impact 4.4-4);
• Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Impact 4.4-5); or

• Conflicts with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (Impact 4.4-6).

Impacts to vegetation communities/natural areas are discussed under Impact 4.4-2 on pages 4.4-380 and 4.4-410 through 4.4-416 of the Draft EIR. Table 4.4-157 summarizes the following information with respect to special-status vegetation communities: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation. Thus, the Draft EIR addresses impacts to natural areas anticipated under the proposed Project, as well as avoidance, minimization, and mitigation measures to reduce unnecessary damage to natural areas.

Response 44 M.

Commenter questions why three projects – Centennial, Tejon Mountain Village and Frazier Park Estates, been allowed to "go so far". The Tejon Mountain Village Project application is being processed as required by applicable County requirements, and has not been approved. Centennial and Frazier Park Estates are beyond the scope of the Tejon Mountain Village Project (although both were considered in the cumulative impacts sections of the Draft EIR); for informational purposes only, both of these projects are also still in the application and environmental review process. Commenter also questions whether any real public need is served if these projects are allowed. The project objectives for the Tejon Mountain Village Project are identified in Chapter 3, PROJECT DESCRIPTION. The objectives for Centennial and Frazier Park Estates are beyond the scope of this EIR. Commenter's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 N.

Commenter notes that the Project does not include low cost housing, assure above minimum wage permanent jobs, or support local health care institutions. The Project is a mountain resort community that provides both construction and operational jobs, as described in Section 4.12 of the Draft EIR, POPULATION AND HOUSING. The Project's inclusion of hundreds of new custom homes does provide long-term construction jobs, unlike typical subdivisions which are built out over a short period by merchant builders. The Project will provide further tax revenues to help support ambulance and other healthcare services, and will also bring more residents to the area and thus increase the market opportunity for healthcare providers. Although not a part of the Draft EIR, the Project has proposed paramedic service through the Draft Development Agreement that has been submitted to Kern County. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 O.

Please refer to the Response to Comment 44-N.

Response 44 P.

Please refer to the Response to Comment 44-N.
Response 44 Q.

Commentor states that there is no way to calculate exactly the potential damage to a unique large natural area located in one of the natural world’s ten hot spots, which requires special protections from human impacts.

The Draft EIR environmental setting recognizes the unique qualities of the Project site by describing the Tejon Mountain Village Project site in the context of four California Floristic and Desert Provinces and six sections defined within the Humid Temperate Domain and the Dry Domain. As described in Draft EIR Section 4.4.2, ENVIRONMENTAL SETTING, pages 4.4-1 and 4.4-2, the Tejon Mountain Village Project site is located where four California Floristic and Desert Provinces meet: Southwestern California, Sierra Nevada, Great Central Valley, and Mojave Desert. The Tejon Mountain Village Project site is also described as occurring in the vicinity of six sections defined within the Humid Temperate Domain and the Dry Domain: Sierra Nevada, Sierra Nevada Foothills, Great Valley, Central California Coast Ranges, Southern California Mountain and Valley, and Mojave Desert.

The Draft EIR impacts section addresses the various categories of impacts to biological resources, including direct loss of habitat and indirect (human-related) impacts related to noise, lighting, and non-native plant species’ infestations in Project open space. The Draft EIR identifies avoidance, minimization, and mitigation measures to reduce unnecessary damage to natural areas and provides protection from indirect (human-related) impacts including, for example: pre-construction surveys for nesting native bird species and construction setbacks for active nests to avoid noise impacts; limitations on exterior lighting and requirements to direct lighting away from natural open spaces; and use of native or non-native, non-invasive species in landscaped areas adjacent to open space. As described in Response to Comment 44-L, above, regarding impacts to natural areas, the significance criteria used to evaluate impacts to biological resources can be found in the Draft EIR at Section 4.4.4, IMPACTS AND MITIGATION MEASURES, at page 4.4-78. While the significance criteria do not specifically address intrusion into a unique, large, natural area, the significance criteria do address impacts to sensitive natural communities, as identified in local or regional plans, policies, or regulations, or by DFG or USFWS (Impact 4.4-2). Impacts to vegetation communities are discussed on page 4.4-380 and 4.4-410 through 4.4-416 of the Draft EIR. Table 4.4-157 summarizes the following information with respect to special-status vegetation communities: the impacted resource, the impact type, whether the impact is significant prior to mitigation, the measures that will mitigate the impact, and the significance of the impact after mitigation.

Response 44 R.

Commentor questions whether the Project will be like Hurricane Katrina and burden taxpayers with respect to increased traffic, air pollution, public services, and earthquake responses. The Project will build its own roads, and dedicate completed public roads to Kern County. The Project will also mitigate impacts to offsite roadways as described in Section 4.15 of the Draft EIR, related technical studies, and Responses. The Project will mitigate its air emission impacts as described in Section 4.3 of the Draft EIR, related technical studies, and responses. The Project will fund and receive public services as described in the Specific Plan, Draft EIR Chapter 3, PROJECT DESCRIPTION and Section 4.13, PUBLIC SERVICES. Earthquake risks are addressed in Section 4.6, GEOLOGY AND SOILS, of the Draft EIR. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 44 S.

Commentor quotes an official who said something to the effect of, "Now we are paying for the sins of the past." Commentor predicts that future decision makers will make similar comments if unnecessary projects are permitted. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 T.

Commentor states that “The area known by many as the Tejon Pass (widely recognized for I-5 traffic closures due to snow and big-rig related accidents) would be harshly impacted were these proposals approved.” The Tejon Pass, which as noted does have occasional closures, is part of the regional study area addressed in the transportation and traffic section of the Draft EIR. The amount of Project traffic plus the background cumulative traffic are used to analyze levels of service (LOS) during peak periods. Where significant Project impacts are identified, mitigation measures are included. Accidents involving large truck fatalities have decreased over time, with substantial decreases nationally, in California, and in Kern County. Additionally, as can be seen from the cumulative volumes in Table 5-6 of the Revised TIS, the project's traffic contribution in the segments of mountainous terrain (e.g., between SR=138 and Lake Hughes Road) where steep grades and winter closures occur is approximately five percent. That increment of traffic will have no measurable effect on safety, particularly since the primary factors as noted above are physical features such as road design and weather. Please refer to Response to Comment 25-R12 for further information regarding safety issues for Tejon Pass.

Response 44 U.

Commentor describes the Tejon Pass area. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 V.

Commentor states that the Project area is recognized as being high-risk for earthquakes and expresses concern about the Draft EIR's recognition of this risk.

Commentor is correct that the Project area is seismically active. The Draft EIR contains a thorough discussion about the faults in the Project area, as well as the susceptibility of the area to seismic ground-shaking. Draft EIR at 4.6-10 to 4.6-12. Section 4.6, GEOLOGY AND SOILS, of the Draft EIR also discusses other geologic hazards in the Project area. The Draft EIR also includes a detailed analysis of the seismic risks associated with the Project and concludes that, with appropriate mitigation, all risks are reduced to a less than significant level. See Draft EIR Section 4.6, GEOLOGY AND SOILS, Impacts 4.6-1, 4.6-2, 4.6-3. Commentor's opinion that the Draft EIR does not adequately recognize the risks associated with earthquakes is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 W.

Commentor repeats the previously-stated quotation from Lucy Jones of the USGS, with a further statement that a Magnitude 8 earthquake would involve a fault of approximately 250 feet.
Please refer to the Responses to Comments 25-T6, and 44-E, above, regarding the risks of a major earthquake in southern California and the potential damage that would likely result from such an event. Commentor has correctly quoted the cited report. Comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 X.

Please refer to the Response to Comment 44-R.

Response 44 Y.

Commentor questions why a Project should be approved given earthquake hazards. Impacts and mitigation measures relating to earthquake risks are addressed in Draft EIR Section 4.6, GEOLOGY AND SOILS. Commentor does not raise any specific concern regarding seismic risks in this comment, but commentor's opinion is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 44 Z.

Commentor notes that at the first public meeting regarding the Project, three-dimensional maps were shown that depicted the area proposed for development. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 44 A2.

Commentor refers to a “three-dimensional map” that was presented to the public at an early public meeting regarding the proposed Project. She states that the map did not depict the Garlock Fault or the San Andreas Fault. Although fault lines were not included on maps presented at public meetings regarding the proposed Project, detailed maps depicting all relevant faults are included in the Draft EIR as well as the corresponding technical appendices. See Draft EIR, Appendices G-1 and G-2. These appendices also provide detailed descriptions and map depictions of the locations of faults and seismically susceptible soils. This comment is noted and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 45a

July 12, 2009

Craig M. Murphy
Supervising Planner
Kern County Planning Department
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Re: Tejon Mountain Village

Dear Mr. Murphy:

I am disappointed by the Planning Departments decision not to extend the comment period for Tejon Mountain Village. Even though you have given assurances to respond in writing after the July 13 deadline, it hardly seems equitable to have only one community meeting and a 45 day comment period to address a 21,000 page DEIR report. In addition, the Frazier Park Estates DEIR is due a mere 7 days later. How can our community, the El Tejon School Board Trustee's governing body, responsibly give a response of this import? We have done our best, but we can never be sure that we have not overlooked something of significance which will affect the safety, our environment and the overall well-being of our community and children. These changes will occur now and for the next twenty to thirty years.

The size, scope and cumulative impact from both projects is one of the largest for Kern County. The speed with which this has all happened leaves the Mountain Communities vulnerable and is a grave injustice to the residents. To quote the California Supreme Court - Citizens of Goleta Valley v Santa Barbara Board of Supervisors (1990), "this is a delicate task which requires a balancing of interests and is left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed and therefore balanced." I question if the citizens of the Mountain Communities have had enough time to be informed and find a balanced view?

As a School Board Trustee I have the responsibility to make sure that our interim Superintendent Mark Fulmer hears my views about these projects and how they will affect our children with regards to air, water, noise, flooding, and traffic. A letter has been sent by the El Tejon Unified School District. Enclosed please find the opinion article published in The Mountain Enterprise June 26, 2009. I am requesting this article be attached as a part of my response to the DEIR.
Here are my questions regarding our community and our environment. How will the county address our social service needs for seniors, children, their families? Where will the resources come from? At issue is local bus transportation, Federal, State and Kern County services; DMV, DHS, library services, animal control, adult and aging services, and roads. These are a few of our infrastructure needs. What will the plan of action be to mitigate the encroachment by Tejon Mountain Village and Frazier Park Estates?
The cumulative impact?

Our budding eco-tourism economy may be greatly diminished by light/glare, traffic, construction, air pollution, and water issues. How will the county mitigate these economic and real life issues?

What law enforcement and fire protection will be in place for us? Will your mitigations reflect reality? This is a very small force in a large geographic area.

In the executive summary 1.5.4, significant cumulative impacts, these cumulative effects must be dealt with to ensure the Mountain Community residents have the same quality of life they enjoy now. What is your plan of action?

The overarching thread that connects us all is water. What immediate action will the county take to give citizens equal protection to the water we all share? Water protection needs to be addressed by County, State and Federal officials. We no longer have consistent, predictable weather patterns with major droughts and marginal rainfall. The cumulative effect from Tejon Mountain Village and Fallingstar have the potential to devastate the area.

Tejon Ranch keeps Castaic Lake full by using the Underground Basin aquifer, this water is shared by all. This is one example of misuse and abuse of water that is needed by everyone.

We are not talking about a small project built in a few years. For this reason we must think globally, and act locally. We must ask the hard questions so that we can protect and safeguard our citizens and our children's future.

Thank you for your attention in this matter.
Respectfully submitted,

Anita Z. Anderson
Pinon Pines
Comment Letter 45a, Cont.

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Comment Letter 45a. Anita Anderson (July 12, 2009)

Response 45a A.

Thank you for your response. Commentor objects to the duration of the public comment period, given that other comment periods were also underway and the size of the Project. Please refer to Response to Comments 25C and Letter 59, which address the duration of the public comment period.

Response 45a B.

Commentor notes that the Project along with another proposed project in the area, Frazier Park Estates (FPE), warrant more time for review given the size, scope and cumulative impacts from both projects. Please refer to Response to Comments 25C and Letter 59, which address the duration of the public comment period.

Response 45a C.

Commentor notes that, as a School Board Trustee, she has the responsibility to make sure the Interim Superintendent Mark Fulmer hears her views about projects, including the proposed Project, and how projects will affect children with regard to air, water, noise, flooding, and traffic. These issues are addressed, respectively, in the Draft EIR in Section 4.3, AIR QUALITY AND CLIMATE CHANGE; Section 4.13, PUBLIC SERVICES; Section 4.11, NOISE; Section 4.8, HYDROLOGY AND WATER QUALITY; and Section 4.15, TRANSPORTATION AND TRAFFIC. Commentor has included an opinion article published in the Mountain Enterprise on June 26, 2009, and requests that the article be attached as part of the comment. The referenced article has been included as Comment 45b, and is responded to substantively there.

Response 45a D.

Commentor questions how the County will address the social service needs of seniors, children and family. This comment is introductory in nature, and does not raise specific questions about the Project or Draft EIR. The comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 45a E.

Commentor states that infrastructure needs are at issue, including local bus transportation; Federal, State, and Kern County services; DMV; DHS; library services; animal control; adult and aging services; and roads. While the DMV, DHS, animal control, and adult/aging services do not involve potential environmental impacts such that these topics must be addressed under CEQA, the Draft EIR includes an analysis of transportation and roads in Section 4.15, TRANSPORTATION AND TRAFFIC; and public services including libraries are addressed in Section 4.13, PUBLIC SERVICES. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45a F.

Commentor requests a "plan of action to mitigate the encroachment" by the Project and FPE. It is assumed that the comment addresses the adequacy of the cumulative analyses and mitigation measures in the Draft EIR for the Project. The cumulative impacts methodology is explained in Section 3.7 of the Draft EIR, and cumulative impacts are addressed in all relevant topical sections of Chapter 4, which
addresses environmental impacts and mitigation measures. A summary of Project and cumulative impacts, mitigation measures, and the significance of impacts following mitigation, is included in Chapter 1, Executive Summary. Mitigation measures and Project implementation are monitored, with reports available for public review, as part of the Mitigation Monitoring Program. Please refer to Response to Comments 20-B for further information about Mitigation Monitoring.

Response 45a G.

Commentor raises a general question regarding cumulative impacts. Please refer to Response to Comment 45a-F, above.

Response 45a H.

The comment states that the region's budding eco-tourism economy may be greatly diminished by light and glare, traffic, construction, air pollution, and water issues. Commentor questions how the County will mitigate these and economic issues. The Draft EIR contains a detailed analysis of each of these environmental potential impacts. CEQA does not, however, require or include an analysis of economics.

Light and glare impacts and mitigation measures are addressed in Section 4.1, AESTHETICS/LIGHT AND GLARE. Traffic impacts and mitigation measures are addressed in Section 4.15, TRANSPORTATION AND TRAFFIC. Regarding construction, each impact analysis of the Draft EIR focuses first on potential construction-related impacts before turning to potential long-term, operational impacts. The Draft EIR includes numerous mitigation measures designed to reduce construction impacts, particularly with respect to potential impacts to air quality, biological resources, cultural and paleontological resources, geology and soils, hazards, water quality, noise, and traffic. Please refer to Mitigation Measures 4.3-1, 4.3-2, 4.3-3, 4.3-4, 4.3-5, 4.3-19, 4.3-21, 4.4-3, 4.4-4, 4.4-5, 4.4-8, 4.4-9, 4.4-10, 4.4-11, 4.4-22, 4.4-24, 4.4-25, 4.4-27, 4.4-28, 4.4-30, 4.4-32, 4.4-33, 4.4-34, 4.4-39, 4.4-40, 4.4-43, 4.4-44, 4.4-45, 4.4-46, 4.4-47, 4.4-55, 4.5-2, 4.5-3, 4.5-4, 4.5-5, 4.5-6, 4.5-7, 4.5-8, 4.5-9, 4.5-10, 4.5-11, 4.5-12, 4.5-13, 4.5-14, 4.5-15, 4.5-16, 4.5-19, 4.5-20, 4.5-21, 4.5-22, 4.5-25, 4.5-26, 4.5-28, 4.5-29, 4.5-30, 4.5-32, 4.5-33, 4.5-34, 4.5-35, 4.5-38, 4.5-39, 4.5-40, 4.5-41, 4.5-42, 4.5-43, 4.5-44, 4.6-4, 4.6-7, 4.6-19, 4.6-22, 4.6-23, 4.6-24, 4.6-25, 4.6-26, 4.7-1, 4.7-2, 4.7-3, 4.8-1, 4.8-2, 4.8-3, 4.8-4, 4.8-5, 4.8-6, 4.8-7, 4.8-8, 4.8-26, 4.8-40, 4.11-1, 4.11-4, and 4.15-7, which are each designed to reduce construction-related impacts. Air quality impacts and mitigation measures are addressed in Section 4.3, AIR QUALITY AND CLIMATE CHANGE. The Draft EIR contains a Water Supply Assessment and a detailed discussion of water availability for the Project in Section 4.16, UTILITIES AND SERVICE SYSTEMS. In addition, the Project may add to the area's eco-tourism economy by providing a rural, mountain resort retreat for people who wish to stay and experience the area's many recreational attractions. The Project will add to the area's network of trails, providing recreational opportunities within the Project's open space and Tejon Ranch, and offering a variety of outdoor amenities to residents and visitors. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45a I.

Commentor questions what law enforcement and fire protection services will be in place for the local community. Commentor notes that there is a very small force that serves this large geographic area. The Draft EIR addresses impacts and mitigation measures to police and fire-protection services in Section 4.13, PUBLIC SERVICES. With implementation of Mitigation Measures 4.13-1 thorough 4.13-11, Project impacts to police and fire services would be reduced to a level that is less than significant. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 45a J.

Commentor notes that Chapter 1 of the Draft EIR includes a summary of cumulative impacts, states that cumulative effects must be addressed to ensure that Mountain Community residents have the same quality of life that they do now, and asks for a "plan of action" to address cumulative impacts. Please refer to Response to Comment 45a-F, above, regarding cumulative impacts. This comment, including the request to maintain the same quality of life, is forwarded for further consideration to the Planning Commission and Board of Supervisors.

Response 45a K.

This comment suggests that local, state and federal officials must protect equal access to water and that the cumulative effect of the Project and the proposed “Fallingstar” development may “devastate the area.”

As discussed in Response to Comment 25-R10, the Project’s water supply assessment (WSA) and Section 4.16 of the Draft EIR do not include the use of any groundwater, including local groundwater serving the Mountain Communities. The WSA and Draft EIR demonstrate that the Tejon-Castac Water District (TCWD) can meet Project water demands with three sources of supply: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water banked in and recovered from TCWD’s water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries under the District’s contracts with the Kern County Water Agency, assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report prepared by the California Department of Water Resources (DWR). The WSA and Draft EIR also account for potential variability in rainfall as well as other potential supply disruptions related to factors such as climate change, Delta disruptions, and endangered species lawsuits. Average year SWP deliveries, for example, are assumed to range from 63% to 68% of TCWD’s contract allocations, single dry year deliveries are assumed to range from 6% to 7% of contract allocations, and multiple dry year deliveries are assumed to range from 7% to 56% of contract allocations (see Draft EIR Tables 4.16-4 through 4.16-8 and WSA Tables 11 through 14). These delivery levels represent the lowest outcomes identified in the current SWP reliability report for average, dry and multiple dry years. The WSA and Draft EIR show that the Project will have sufficient water supplies under the most conservative SWP delivery scenarios and without using any local or other groundwater. Draft EIR Mitigation Measure 4.16-5 further requires that TCWD maintain a 7-year indoor water supply in the District’s water banks for Project use. Since the Project will not impact local groundwater, it will not combine with other proposed projects such as Fallingstar (the developer of the proposed Frazier Park Estates located west of the existing Flying J facility in Lebec), to generate any cumulative impacts to local groundwater. The Project will also not affect any access to groundwater supplies by other parties.

Response 45a L.

Commentor states that maintaining the water level in Castac Lake by using a shared aquifer is a misuse and abuse of water.

The ongoing management of Castac Lake is not part of the Project. Regarding the ongoing management of Castac Lake, please refer to Global Response 7.5.1, Castac Lake. Project impacts related to surface and groundwater quality were thoroughly discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Water supply impacts for the Project are discussed in Section 4.16, UTILITIES AND SERVICE SYSTEMS. As discussed in Sections 4.8 and 4.16 of the Draft EIR, the Project will not utilize local area groundwater.
Response 45a M.

The comment notes that the Project is not a small one that will be built in a few years; for this reason, commentor urges the County to think globally and act locally. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors during deliberations on the Project.
Comment Letter 45b

Opinion: High Stakes on the Mountain
By Anita Anderson, Pinon Pines
What will take 20 years (or more) to build, bring 10,000 new residents, create significant added traffic, create light pollution, alter 26,000 acres and impact 27 threatened and endangered local species, including the California Condor? Tejon Mountain Village is the name of the new “village” which hopes to break ground in 2013 (the not-too-distant future).
It is startling to ponder this village’s size and impact to our community. At build-out, this one development plans to double the current population of Pine Mountain, Cuddy Valley, Lake of the Woods, Lockwood Valley, Frazier Park and Lebec combined.
Change is at our front door. The choices made now in 2009 will shape the future into 2029 and beyond.
Let me be clear: I do not want to stop this project. As a parent, community member, taxpayer and a school board trustee, I want to do my part to assure that this is the right project for the right future for all of us to enjoy. It is our children who will inherit the decisions we make today.
Let’s start with important questions.
Do we want to be dwarfed by this “village”—and the others that are coming on its heels—that use our services, our roads, our surrounding mountains, our only county park’s community building and our schools—and then go back to their gated development? Are they helping pay for these services?
What about traffic congestion and disruption, light pollution, shared fire and sheriff services? Will our safety be in jeopardy if thinly-stretched fire and sheriff services are answering calls at the new “village,” protecting new million dollar homes before our own?
Will our schools be adequate? How closely has this been examined, and how will we pay for new challenges, when current budgets are being cut?
Do we remember? In the not-too-distant past, Kern County Supervisors in Bakersfield were told that Pine Mountain Club and Pinon Pines were to be “weekender” homes. Things have changed since then. These are now communities of full-time families who are raising their children here.
What makes us think this couldn’t happen again here? Nothing. It can, and it is likely that it will happen in the same way.
Tejon Mountain Village is a big deal. The 21,000 page DEIR tells a story of an altered landscape and an altered way of life. Change is a constant, but I ask myself: ‘Am I ready for this and all it entails?’ Are you ready? Are we, as a community, ready? And, to be blunt, is the county really ready?
What is at stake?
Just in the realm of education alone, the bulk of the developer’s fees for Tejon Mountain Village won’t even go to El Tejon Unified School District to assist in preparing the educational infrastructure.
Because of a fluke in the drawing of school district boundaries early in the 20th century, most of the fees will go to Arvin School District—even though the children who come to live here will most likely be using our mountain schools—not Arvin’s.
The developer and the county have not yet met with the El Tejon Unified School District to address this very fundamental problem. Our schools may be inadequate to meet the coming needs. Yet we are being rushed toward a comment deadline without solutions in place.
Comment Letter 45b, Cont.

What is an “override”?
We learned last Thursday, June 18, at the “Taste of the Mountain” event hosted by The Mountain Enterprise that the importance of the impacts will be decided by the Kern County Planning Commission and the Board of Supervisors—none of whom live here or know our way of life.

Our comments are needed to ask them to see through our eyes. The impact of Tejon Mountain Village is significant and the mitigation currently proposed in many areas is nearly zero.

Lorelei Oviatt, Division Chief of the Kern County Planning Committee, said “overriding economic considerations” is the reason the supervisors are likely to give for ignoring the impacts that will change our lives. An “override” is a way of saying, “yes, these significant impacts will take place, but the economic benefit to the county is more important.”

I feel I must take action to preserve the quality of life I love so much here in our small town: our clean air (now eroding in Lebec because of increasing traffic on the I-5—even before development construction begins), our wildlife, the warmth of recognizing the faces of the people we see in the post office, gas stations and library.

I like that my (and your) children live in an area away from the big city vibe. They are safer here. They go to school from kindergarten to high school with the same friends.

Could we lose this sense of community where neighbor helps neighbor?

Special Circumstances.

Kern County will accept your comments about Tejon Mountain Village only until July 13 at 5 p.m. After that date, comments will not be answered in the administrative record for the recommendation being prepared for the planning commission and the board of supervisors.

I plan to ask for an extension. I suggest you do the same. Special circumstances confront this community that make the 45-day comment period (or even 15 days more) inadequate.

Our school district superintendent fell seriously ill last month. She was hospitalized and is now at home under her doctor’s care. She is valiantly fighting to regain her health.

But in the meantime the largest public institution on the mountain, both its largest employer and the entity that affects the lives of most mountain families on a daily basis, is without focused leadership. This alone is a special circumstance with immense significance for the ability to analyze and responsibly comment upon the Tejon Mountain Village plan in the month of July.

Let’s come together as a community—our own, here-and-now, real village community.

Our voices can have an impact that is helpful to the health and well-being of our mountain community. We know change is coming and our purposeful actions right now can make a difference.

Anita Anderson of Pinon Pines is a member of the El Tejon Unified School District Board of Trustees. She writes here on her own behalf.

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Comment Letter 45b, Cont.

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Comment Letter 45b. Anita Anderson (June 26, 2009)

Response 45b A.

Thank you for your comment. The comment is an opinion article published by the Mountain Enterprise newspaper, authored by Anita Anderson of Pinon Pines. The comment states that the proposed Project will take 20 years to build, bring 10,000 new residents, create significant added traffic, create light pollution, alter 26,000 acres and impact 27 threatened and endangered local species. The comment notes that these impacts are startling and that the choices made in 2009 will shape the future. While commentor does not want to stop the Project, she wants to make sure the Project is the right one for the future. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45b B.

Commentor raises general concerns about the air quality impacts that will result from the Project, and notes that traffic on Interstate 5 is already impacting the region's air quality. The comment has been noted and included in the record for consideration by the decision-maker. The Draft EIR includes a thorough analysis of the Project's air quality impacts in Section 4.3, AIR QUALITY AND CLIMATE CHANGE. The Project's potential impacts are measured against the San Joaquin Valley Air Pollution Control District's thresholds of significance, which take into account existing air quality conditions. The Draft EIR also includes an analysis of the Project's potential impacts on sensitive receptors in the Project vicinity. Draft EIR at 4.3-140 to 4.3-147.

Commentor questions in this Opinion editorial whether readers want to be dwarfed by a new village that uses services, roads, mountains, a community building, and schools. Commentor also questions whether Project residents would pay for such services. Please refer to Response to Comment 25-Q7.

Response 45b C.

The comment asks about Project impacts on traffic congestion and disruption, light pollution, shared fire and sheriff services. Please refer to Responses to Comment 45a-H and 45a-I, above, for a discussion of Project impacts and in these areas.

Response 45b D.

Commentor questions whether the safety of existing communities will be in jeopardy due to a draw on fire and sheriff resources resulting from the proposed Project.

Existing and anticipated fire and emergency medical response capabilities were evaluated in the Project’s Fire Protection Plan (FPP) (Draft EIR, Appendix D of The Tejon Mountain Village Specific and Community Plan), which provides an analysis of the estimated call volume and overall impact the proposed Project may have on the response capability of existing Kern County Fire Department (KCFD) stations. Efforts to minimize the demand on fire and emergency services are outlined in the FPP and include the responsibility of the Project to participate in the reconstruction of KCFD Fire Station 56 in Lebec by providing 50% of the costs to reconstruct the station, provide a ladder truck, and dedicate the land needed for the station. Furthermore, the Project will provide funding and the land for a new fire station at Dry Fields (located at about the midpoint of the Project's buildout), which will also include a Type I Fire Engine and a Type III Wildland Fire Engine. There will also be land dedicated in the
southwestern portion of the property for an eventual third fire station. In addition, there will be designated
helicopter staging areas and improved deployment of air resources throughout the area. The Project will
also provide funding for emergency communications towers and equipment to provide adequate radio
coverage for fire and police. The Project has already installed a Remote Area Weather Station that is part
of the statewide data exchange program and that will assist KCFD in declarations of Red Flag Warnings
and associated preparedness. Additionally, it is expected that the structures within Tejon Mountain
Village will require fewer KCFD resources based on the requirements described in the FPP, including
ignition-resistive construction, interior sprinklers, fire protection systems, preplanning, and customized
fuel modification/vegetation management.

Response 45b E.

Commentor wonders whether schools will be adequate, and how closely this issue has been examined,
especially with current budget cuts. The Draft EIR includes a thorough analysis of potential impacts to
schools. Please refer to Section 4.13, PUBLIC SERVICES, for a detailed discussion of this issue. With
implementation of Mitigation Measures 4.13-12, potential impacts to public schools are reduced to a level
that is less than significant. The comment is noted for the record and will be provided to the Planning
Commission and Board of Supervisors.

Response 45b F.

Commentor raises concern that the Project will switch from weekender homes to full-time occupancy
similar to Pine Mountain Club and Pinon Pines. The comment is noted for the record and will be
provided to the Planning Commission and Board of Supervisors.

Although the Project applicant plans to market the community as a resort destination with second homes,
because it cannot be known with certainty that residences will be occupied as strictly resort or second
homes, the Draft EIR analyzes the Project as a full time community. All impact analysis and mitigation
requirements are based on full time occupancy or 10,671 persons or 3.093 persons per household (County
average). Consequently, if the Project functions as envisioned as a resort community, Project impacts will
be less then identified in the Draft EIR.

Response 45b G.

Commentor states its belief that the proposed Project will likely become a full-time community.

Please refer to the Response to Comment 45b-F, above.

Response 45b H.

Commentor notes that the Project is "a big deal" and that the Draft EIR tells "a story of an altered
landscape and an altered way of life." The comment is noted for the record and will be provided to the
Planning Commission and Board of Supervisors.

Response 45b I.

Commentor states that the bulk of school fees will not go to the El Tejon School District. School fees
will be paid to the District in which residential units will be constructed, as explained in Section 4.13,
PUBLIC SERVICES, of the Draft EIR. An updated calculation of student populations projected in each
school district is also included in Section 7.2.
Response 45b J.

Commentor reports that the school district boundary lines require the bulk of students to go to Arvin district schools, but commentor expects the bulk of the students to go to El Tejon district schools. Commentor also states that the developer has not met with the El Tejon School District representatives. As described in Section 4.13, PUBLIC SERVICES, students residing within a school district are assigned to attend schools in that district. Students who do not live within the portion of the Project that is not located within the boundaries of the El Tejon School District would not be eligible to attend El Tejon School District schools absent District approval.

Response 45b K.

Commentor asks for the meaning of the term "override". Under CEQA, if a lead agency decides to approve a project with significant and unavoidable impacts it must adopt findings and a statement of overriding considerations. Public Resources Code § 21081. "Override" is a term that has developed to refer to the action of adopting a statement of overriding considerations. If it approves the Project, the County will be required to adopt a statement of overriding considerations or "overrides" for those significant, unavoidable impacts. The Project impacts for which the County would be required to adopt a Statement of Overriding Considerations are identified in Draft EIR Section 5.2, SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED.

Pursuant to Public Resources Code Section 21002.1(b), lead agencies are required to mitigate or avoid the significant impacts of a project they approve to the extent feasible. If no feasible mitigation measures or alternatives are available to address one or more significant impacts (or significant impacts remain, even with the implementation of mitigation measures or an alternative), the agency may approve the project if it determines that specifically identified expected project benefits outweigh the unavoidable impacts. Public Resources Code § 21081; CEQA Guidelines §§ 15043; 15091; 15093. In addition to making these required findings, if a lead agency decides to proceed with approving the project, it must state, in writing, that because of the project's overriding benefits, it is approving the project despite its environmental harm (a Statement of Overriding Considerations). Public Resources Code § 21081(b); CEQA Guidelines § 15093. This requirement reflects the statutory policy that public agencies must weigh a proposed project's benefits against its unavoidable environmental risks and may find the adverse impacts acceptable if the benefits outweigh those effects. CEQA Guidelines § 15093; Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212, 1222 (quoting Guidelines Section 15093 for this proposition).

Response 45b L.

The comment points out that at a June 18 meeting hosted by the Mountain Enterprise, the public learned that the importance of the Project's impacts will be decided by the Kern County Planning Commission and the Board of Supervisors, none of whom (according to the commentor) live in the Mountain Communities or know the local way of life. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45b M.

Commentor requests that the Planning Commission and Board of Supervisors see the Project through the eyes of the Mountain Community residents. The commentor believes that the Project's impact is significant and the mitigation proposed in many areas is nearly zero. The Draft EIR contains a detailed discussion of Project impacts, including potentially significant impacts, many of which are reduced to a level that is considered less than significant through implementation of Project mitigation measures, as
required by CEQA. Please refer to Section 1.5.3 of the Draft EIR for a summary of Project impacts considered to be significant and unavoidable, even with implementation of all feasible mitigation. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45b N.

Commentor quotes Kern County Planning Division Chief Lorelei Oviatt as stating that economic considerations are likely to be identified by the Board of Supervisors as a basis for approving the project and "ignoring" impacts. Commentor also notes that an override is a way of saying that the economic benefits of the project are more important than the adverse project impacts. CEQA requires disclosure of significant environmental project impacts, but does not mandate the approval or disapproval of a project – this decision is made by the Board of Supervisors. Commentor's opinion is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45b O.

Commentor supports the quality of life in Lebec, and states that this quality is life is eroding due to increased traffic loads without the Project. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors. Existing and projected traffic in the Project vicinity, including Lebec, are considered in Draft EIR Section 4.15, TRANSPORTATION AND TRAFFIC, along with associated technical appendices and various responses to comments.

Response 45b P.

Commentor notes that her quality of life comes from wildlife, recognizing familiar faces in the post office, gas stations, and library, and the lack of a big city vibe. Commentor feels that children in the region are safe, and benefit from going to school from kindergarten to high school with the same friends. Commentor fears that she could lose this sense of community. These comments do not raise specific concerns about the Project or Draft EIR, but are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45b Q.

Commentor states that Kern County will accept public comments only until July 13, after which comments will not be answered in the administrative record for the Staff Report being prepared for the Planning Commission and Board of Supervisors. The County has stated that it will accept public comments up through and during the Planning Commission and Board of Supervisors Meetings, and that these comments will all become part of the public record. Please refer to Section 7.4, REQUESTS FOR EXTENSION, to review the County's letter to this effect, which was sent out in response to numerous requests for an extended comment period.

Response 45b R.

Commentor asserts that the 45-day Draft EIR comment period is inadequate and that she intends to request an extension of the comment period. Pursuant to the Response to Comments 25-C and 59, an extension of the comment period is not warranted. This comment is also noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.
Response 45b S.

To the extent this comment discusses the health of the El Tejon Unified School District Superintendent and the fact the El Tejon Unified School District is the largest employer in the Mountain Communities, this comment is noted. To the extent this comment asserts the degree to which the El Tejon Unified School District affects area families, this is an opinion and it is noted. To the extent this comment asserts that the 45-day Draft EIR comment period should be extended, as discussed in Response to Comments 25-C and 59, an extension of the comment period is not warranted. This comment is also noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 45b T.

Commentor urges community members to express their opinions to make a difference. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 45b U.

Please see the Response to Comment 45b-T.

Response 45b V.

Please see the Response to Comment 45b-T.
Comment Letter 46a

From: "Internet Outdoors Uah." <shopoud@qnet.com>
To: <murphycc@co.kern.ca.us>
Date: 07/12/2009 4:09 PM
Subject: Tejon Mtn. Village EIR Comments
CC: <planning@co.kern.ca.us>

To: Kern County Planning Dept., Attn. Craig Murphy
Re: Tejon Mountain Village Project Draft EIR

Please transfer, copy if necessary and include all of my prior public comments on the NOP for the Tejon Mtn. Village project and consider them as my current comments and concerns regarding the new Draft EIR for this project.

Please also accept the following as additional comments regarding this project:

1. In view of the fact that this project lies within critical habitat of the California Condor, under the due process legally owed the public, this Draft EIR and project should not be approved nor considered until the federal Habitat Conservation Plan and DEIS for the Calif. Condor currently under review by the US Fish & Wildlife Service has been approved by that agency, and any other authorizations required therefor are completed. The inter-dependency of these two EIRs is clear, and my understanding of the law is that the federal EIR takes precedence in these approval processes. That process should include the unscrambling of the original Condor HCP and its related documents and agreements sealed from public view by the Fresno District Court.

2. Castac Lake's location immediately adjacent to and surrounded by this project requires that a cumulative impact analysis of the project's effects on that body of water, stormwater drainage from the project and of the project itself in its entirety on water resources located within the project boundary, on Castac Lake and on Grapevine Creek, adjacent and downstream wetlands, native trout populations and other species in the watershed fed by runoff from this lake be conducted by the California Dept. of Water Resources, the Calif. Dept. of Fish & Game and the U.S. Army Corps of Engineers.

Removal of Castac Lake from the project boundary since the NOP for this project, when in fact it lies within the project boundary, circumvents the clear wide-ranging project and regional intent of CEQA. There is little doubt that this body of water will be used by the project's residents for recreational and other activities, as evidenced by current and prior activities offered by Tejon Ranch at this location. This removal legally invalidates the original NOP and requires that it be reissued under CEQA.

Current and historical water table levels, flows and water quality for Cuddy Creek and Grapevine Creek and adjacent wetlands require documentation, and a monitoring system installed throughout the region, so that future impacts of this project on those resources may be monitored and accessed by the public, in view of the public's existing groundwater, diversion and riparian water rights to these resources at various locations upstream and downstream of the project. Documentation & details of previous non-permitted dredging, modification, deepening of Castac Lake, installation of a large compressor and perforated lines through the lake, the widening/reconstruction of the entrance road on its north shore and the discovery of Native
American burial sites and artifacts during those illegal activities need to be disclosed to the public, and evidence of the compliance of these modifications and activities with CEQA, NAGRA and state water regulations provided.

3. I have confirmed with Kern County LAFCO that NO contact whatsoever has been made with their agency by the project applicants nor your department, nor applications received, as to how this community will be governed, how existing public agency boundaries covering the project area will be adjusted if needed, how property taxes and other revenues will be distributed, how other local public-service entities will be impacted, and how the future impacts to these entities' and agencies' operations, finances, debt and public services obligations created by this project were or will be evaluated. "Planning" requires meetings, discussions and coordination of these issues and impacts by your department and the applicant with LAFCO and ALL public services entities and agencies within whose boundaries this project lies, or who will be affected by it, and how the taxpaying public can be best served by these or new public agencies. Those public agencies and entities include the So. Kern Cemetery District, Bear Mtn. Parks & Recreation District, the US Postal Service, the Kern County Parks & Recreation Dept., Tejon-Castac Water District, Arvin School District, El Tejon School District, Southwest Healthcare District, Frazier Mtn. Clinic, local water purveyors and others.

Such discussions should occur on a regular basis before this EIR is approved, should be a mandatory element of the CEQA planning process, and should have occurred over the last several years that this project has been under consideration and preparation. To do otherwise fails to represents the public's interest in and tax revenue allocations & obligations to these districts. ALL short and long term costs associated with these agencies' operations and responsibilities need to be evaluated and included in the EIR.

4. The EIR fails to define as to how and whether new landowners in the project will be included in future elections and proceedings for the Tejon-Castac Water District board of directors and how those elections will be conducted, and the public notified. Those proceedings need to be clarified and documented by your department, the Calif. Dept. of Health Services and the Kern County Elections Division and included as a part of this plan and EIR.

The truth tucked away by the state and county is that development NEVER pays for itself- the taxpayers do. Put in the mixer the costs of health care, pensions, wages, workers comp, liability insurance, double-dipping by public employees, infrastructure, right of way and street maintenance, public facilities, power bills, gas bills, phone bills, travel expenses, education, hospitals, cemeteries, vehicle maintenance, legal costs, planning costs and all of the employee expenses related to ALL that and the UNDERriding economic consideration will be a net project loss. Indispensable. The proof is in the current sour pudding that both Kern and the state are now eating, and trying to resell to the taxpayers. Laughingly, nobody ever demands accurate financial accountability nor provides long-term projections of these costs when projects are evaluated. Its the travelling medicine men selling their concocted mixes to the naive, uncaring public. The squirrels and toads are more important than fiscal responsibility during the ceqa process. Until the now-unavoidable bankruptcies by our counties and state are filed. Sick Goose, rotten golden eggs.

Thank you.

Lloyd Wieas
PO Box 1533
Frazier Park, Calif. 93225
661-245-3438
shopoutd@qnet.com
Comment Letter 46a, Cont.

Craig Murphy - Fw: Tejon Mtn. Village NOP comments

From: "Internet Outdoors Unl." <shopoutd@qnet.com>
To: <CherylC@co.kern.ca.us>, <planning@co.kern.ca.us>
Date: 11/02/2005 8:39 AM
Subject: Fw: Tejon Mtn. Village NOP comments
CC: <rma@co.kern.ca.us>, "Chuck Rich" <CRICH@waterboards.ca.gov>, "David Price III" <Dave@co.kern.ca.us>, "Annette Jennings" <AJENNINGS@dig.ca.gov>, <tkuekes@fs.fed.us>, <Gregory.A.Fuderer@usace.army.mil>, <ess@co.kern.ca.us>, <pbuford@waterboards.ca.gov>

To: Kern County Planning
Attn: Cheryl Cadorph
Re: Tejon Mountain Village Notice of Preparation of Environmental Impact Report- Public Comments Submitted

Cheryl-

The following are comments consolidated among several members of our local community that are submitted in response to the NOP for the above project and the public comment period for it:

The EIR must address the cumulative impacts of ALL of Tejon Ranch Corporation's (TRC) planned projects, whether formal knowledge is or is not held by Kern County or Los Angeles County, and evaluate impacts of those projects for both counties. TRC must reveal all plans currently underway for all current and future projects during this process, as required by CEQA and by Conditional Use Permit, Specific Plan and other permit procedures for the State of California and Kern county.

The EIR must incorporate the Condor HCP and address the management of that plan and mitigations for the protection of this endangered species. Court records related to the current and previous Condor HCP, litigation between TRC and the US Fish and Wildlife Service and discussions related thereto that were sealed by the Fresno District Court by TRC must be unsealed, opened for public review and made a part of this EIR. US Fish and Wildlife Service's comments and analysis and their EIR dealings, public comments, hearing records, research and documents related to the Condor HCP, and their Condor flyway documentation, foraging location records, sighting records, investigations into the shooting of Condor AC-8 and Condor radio beacon recordings must be made a part of this project's EIR. Copies of the US Department of Justice's investigations and trial/prosecution records in the shooting of AC-8 must be made a part of this EIR. The mandatory annual Condor habitat reports required of TRC by USFWS must be made a part of this EIR. If those reports have not been completed, a full and complete explanation as to why that has not occurred must be included.

The EIR must specifically address all unique, threatened, listed or previously unknown species, habitats and existing wildlife migration routes for all species resident on or travelling through TRC properties. 42 special status species were documented in prior TRC studies. Mitigations must be offered for impacts to any of these species. All previous consultant studies conducted by TRC and/or species documentation and related biological or botanical information in their possession must be revealed and placed in the public record. Any known conflicts of interest with or compensation to any previous or current public officials in the State of California involved in any previous biological studies of TRC assets must be disclosed to the public and placed on the public record.

The EIR must document current air quality for public review, reveal readings from TRC's own instrumentation to the public and provide precise calculations of ALL estimated air pollution effects of this project in an accurate statistical fashion. The EIR must use current air quality standards and not violate or attempt to circumvent the spirit and law of those requirements as was attempted in the YEC East proposal. Air pollution impacts must be mitigated.

The EIR must address planning for future, and impacts to current, public facilities, properties and infrastructure, and those impacts must be mitigated, including:
- Impacts to local school systems.
- Impacts to fire protection.
- Emergency planning.
- Health Care facilities.
- US Forest Service properties, recreation, traffic and public transportation related thereto.
- Public Transportation services.
- Road maintenance and snow clearance.

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Comment Letter 46a, Cont.

Interstate 5, Highway 138 and local roads. Traffic studies and projections for each must be provided in the EIR and include cumulative impacts from all projects currently proposed in the region, in all counties. Commercial and residential properties and facilities in neighboring communities.

The EIR must calculate property tax and other tax revenues generated by this project and compare those revenues to the public services provided and expenses therefore incurred by the taxpayers of the state of Calif. and the counties of Los Angeles, Ventura and Kern.

The EIR must publicly reveal and document precise locations of known native American cultural sites, artifacts, ceremonial sites and burial grounds and TRC must be required to return artifacts currently held thereby to the closest known surviving native American tribal leaders for the tribes to which those artifacts are related. TRC must allow LOCAL tribal leaders to select representatives to oversee construction activities and must provide regular access to known cultural, burial and ceremonial sites.

The EIR must address impacts to the largest local wetlands to the west and northwest of Tejon Lake and to the water table and previously-impaired water quality downstream at El Tejon School and the community of Grapevine. Any impacts must be mitigated.

The EIR must address impacts to Grapevine Creek's natural flow and quality, and its native trout habitat. Current flow and quality must be documented. Flow and quality measuring and monitoring devices must be installed. Impacts of the enlargement of Tejon Lake to streamflow and floodwaters, I-5 and the water tables must be engineered, per prior damage that occurred in 2005 to I-5.

The impact of non-native fish species introduced by TRC in Tejon Lake previously to Grapevine Creek's native trout habitat must be documented, mitigated and barriers erected to prevent their intrusion into that habitat.

The impact to groundwater and surface waters and supplies caused by the evaporation of waters from Tejon Lake must be documented and mitigated, including Cuddy Creek, Grapevine Creek and all feeding tributaries thereto, and to Tejon Lake. Specific future plans for Tejon Lake and FEMA management plans and previous TRC, applications for FEMA funds related to Cuddy Creek, Tejon Lake, and Grapevine Creek must be revealed.

Any impacts to water quality must be mitigated.

An independent water basin inflow/outflow analysis must be conducted by SWRCB and water table level monitoring devices installed in Cuddy Canyon. State Water Bulletins (118) must be updated in the process. Impacts to naturally-artsesian springs in both Cuddy and Grapevine canyons must be evaluated. Redirection of water flows from the previous natural artesian well northeast of the riding arena and adjacent to the entry road next to the Lebec exit of I-5 must be explained and documented, and engineering of that facility provided. Artesianing at that location has occurred since the Spanish area and must be restored. Current and historical readings, data, and results from an existing piezometer well at that location and several other locations around the lake must be provided to the public for analysis.

There is a waterfall emanating from a pipe just to the north of the north entrance bridge into Ft. Tejon Park, flowing into Grapevine Creek. That pipe comes from a ditch fed by the springs and wetlands surrounding the Tejon Ranch buildings on the west side of Lebec Rd., between there and the southerly northbound Ft. Tejon exit. There appears to be another pipe just south of that one, where the Ft. Tejon parking lot collapsed. This water source is no doubt what caused the bubbling water that came thru the lanes of I-5 underneath the Ft. Tejon underpass in spring, not the surface waters of Grapevine Creek, which flow on the west side of the freeway.

Those springs and the ditch are part of or fed at least partially by a tiny spring/tributary just south of TRC's headquarters that flows under Lebec road, the marshy wetlands and springs to the north of the TRC residences just north of the school, and more springs to the west of those residences - between there and I-5. All of the water in that area grow from the fresh spring water. Protection of those natural springs and wetlands must be addressed in the EIR and any impacts thereto mitigated.

Increasing the water level in Tejon Lake has added serious unnatural water pressure, storage and sourcing, and has changed the entire dynamic of the aquifer and water table downstream from there, encouraged the complete filling of that aquifer in the permeable layer and all of the artesian spring related to it. The water table around El Tejon School has always been high, to the point of regularly filling the ceiling room beneath the gym. Pollution at the school that was documented by DHS about 10 years ago. It was at least partially caused by the height of the water table at the time. Water table height is also why the pool at the school is no longer used. If they drain the pool to clean it, it will pop out of the ground because of the water table pressure. Now that the water table is regularly full, you will probably see regular flooding of I-5 near the Ft. Tejon.
overpass as this altered springwater artesian and percolates thru the asphalt seams, unless serious drainage modifications occur in that area. TRC must be required to anticipate this worst-case scenario, engineer and construct those modifications. Tejon Lake must be restored to the natural state it has existed in for centuries - as a sag pond for the Garlock fault - and artificial filling and oxygenation of that lake terminated or impacts of evaporation and other effects resulting from those activities on the local watershed and resident species mitigated.

Discussion and documentation of the previous Anthrax incident on the east side of the lake must be placed in the public record and mitigated in the EIR.

If the public pays for any road infrastructure, public access must be granted to each of those roads, including the main entrance road north of Tejon Lake, which was constructed with public funds. Use of public funds constitutes a public right of way. Copies of emergency declarations and TRC’s management practices and operations related to the widening, redesign, expansion and reconstruction of that road about three years ago must be made a part of the EIR and placed on the public record. TRC must provide copies of all permits, engineering and CEQA documents for the main entrance road’s reconstruction. Documentation related to any and all artifacts or burial sites discovered during the construction or reconstruction of that road must be revealed in the EIR. TRC intentionally disregarded and circumvented state and local regulations and procedures in the manner in which construction related to this so-called “emergency reconstruction” occurred.

The level of environmental impact ratings in the NOP are widely and thoroughly misstated in an attempt to deceive the public and public agencies. The NOP should be rescinded with accurate descriptions of impacts.

ALL public agencies involved in this process and in providing public services to this new resort MUST be required to submit their analysis and comments during the NOP public/public agency comment period. To not submit comments on a project of this scope and extent will be seen as negligent or as a biased endorsement of the project without proper review of the impacts created to that agency's operations.

Kern County is aware of seismic conditions in the region related to the Garlock and San Andreas faults. That knowledge predisposes an assumption of legal liability that we intend to use held Kern County liable for any property damage or bodily injury caused by seismic activity in the area to construction facilities, commercial or residential buildings, residents of or visitors to this project when completed or while under construction.

How will current hunting, wildlife and fishing programs be managed? Mitigations for impacts to those programs must be provided, and a detailed management plan placed in the EIR as to how current hunting will be dealt with if they wander into resort or residential areas, how they will be transplanted to other areas, both during and after construction. How will wildlife be dealt with in these situations? Those effects must be mitigated.

TRC must provide copies of any documents, permits issued and studies related thereto for the prior enlarging, deepening, dredging, filling and aeration of Tejon Lake and any stream alterations conducted in those activities. Those documents must be made a part of the EIR.

Many aspects of the NOP are a clear attempt to circumvent CEQA’s precise provisions for objective analysis of impacts, and are based on subjective opinion or positions of the Planning Dept. or the developer/project applicant rather than on readily available science.

Mitigations must be provided to current area residents for the permanent loss of rural lifestyles.

The EIR must present an analysis of known, ongoing oil pipeline seepage pollution to wetlands and the water table in the Lebec area south of the post office- developments are shown on the west side of I-5 as a part of this NOP.

TRC must reveal the full Trust for Public Lands 100,000 acre conservation plan and address the management and operation thereof and public access thereto, since public lands are being proposed to use to purchase it. TRC must reveal in the EIR how they intend to use those funds subsequent to the purchase of that land by TPL or other entities.

Project maps must be much more specific than those included in the NOP. All aspects of each development site and location must be exhibited on those maps in fully-detailed fashion.

TRC must reveal the precise location, maps, management and operating plans for the reconstruction of the Pacific Crest Trail, and the EIR must include an analysis of the environmental impacts of that reconstruction. Impacts must be mitigated, including those that will be created by public pedestrian and camping traffic or facilities related to this trail. Trailheads and specific support facilities must be disclosed. Tie-ins of that trail to the TMV project must be shown in detail.

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TRC must explain fully the election procedures, current, past and future, for Tejon Castaic Water District directors and why landowners within the boundaries have not been included in prior elections.

TRC and Kern County must fully detail the county's relationship with TRC in the Tejon Ranch Public Facilities Financing Authority, who the bonding company is in that arrangement and any relationship thereof to TRC. Supervisors and other county representatives on TRPPFA must recuse themselves from involvement in or decisions related to this project, and perhaps the entire board of supervisors under state and local conflict of interest regulations.

The Tejon-Castaic Water District is stated to be the water supplying agency for the TMV project. Tejon Ranch Corporation has practiced election and other corporate and public agency misconduct in the manner in which it has conducted its affairs as related to the Tejon-Castaic Water District. Only property OWNERS are allowed to run for the TCWD board of directors or vote in the election or other matters thereof. On the Kern County public agency roster for this district, several directors have shown their address as being Lebec, Calif. when in fact they reside elsewhere. That is serious misrepresentation. Under the public charter of this agency, those individuals are unauthorized to vote in district elections or to sit on its board of directors, since they are not landowners in the district.

An inherent conflict of interest by TRCs' employees being directors of this district has previously been addressed in the meeting minutes of this board. However, not even that discussion enumerated the property-ownership requirement for placement on the board or for establishing voting rights.

This conflict of interest and the unauthorized appointment of these directors to the board invalidates the previous decisions, activities and operations of this district. In addition, the water district has been a party to the Tejon Ranch Public Facilities Financing Authority, in concert with TRC and Kern County. This entire situation needs to be addressed by the Attorney General of the State of Calif. the Kern County Grand Jury and legal counsel for this district in the EIR and the public informed as to how this situation will be resolved. Public input into that analysis and decision should be requested.

To restate, individuals that are not property owners within the district, by the "landowner district" procedure under which TCWD is chartered, are unauthorized to either sit on its board of directors or vote in its elections. In an attempt to circumvent this difficulty and avoid including other property owners in its elections, Tejon Ranch has asked the Kern County Board of Supervisors to appoint the directors of this agency, rather than allowing other property owners to vote. Future Owner/residents residing in TMV within the district deserve to have a voting voice in their local water provider's operations and an opportunity to run for its board. The EIR should specifically address the manner in which this water district will be run, how the district will function, what infrastructure will specifically be constructed, how elections will be conducted and how the public interest and safety protected. It also must detail how the Calif. Dept. of Health Services will oversee its public operations, in view of the fact that, until 2 years ago, Calif. DHSS was not even aware of the fact that this was a public agency until we informed them thereof. The specific jurisdictional responsibilities of both that agency and of the Kern County Dept. of Environmental Health need to be addressed in the EIR as a result. Any current or future modifications to the boundaries of this district must be included in the EIR and an overlay map of those boundaries in relation to this project provided. Will TPL lands be made a part of the water district? The NOP intimates that only a portion of TPL will be included in the Tejon-Castaic Water District. How will water be supplied to other activities, dwellings and commercial facilities outside of their boundary? Will the boundary be expanded or a separate agency formed to deal with that issue? That must be explained in the EIR.

In addition, if in fact water supplies in Cuddy Canyon are depleted as the result of this project, this district and the applicant should be placed on the public record as being liable and responsible for supplying water to residents, businesses and other users in the region and restoring the water table in that likely event. Calif. DWR Groundwater Bulletin 118 related to local groundwater needs to be updated in concert with the EIR, inflow/outflow calculations, groundwater recharge estimates and an analysis of floodwater impacts on Grapevine Creek and Interstate 5 because of the expansion of Tejon Lake need to be addressed. Also, well pumping, drainage and testing results, gallons per minute and other data related to the water table conducted by TRC, Kern County Environmental Health and TRC consultants need to be revealed and made a part of the EIR. Tom Hardy and Guy Shaw of Kern County Environmental Health and the Kern County Water Agency need to be requested to place on the public record their analysis of water supplies and the water table in the project area, and the results of usage thereby on regional water supplies. Pirometer well data known to exist should also be revealed, and artesian water production data for artesian locations in or near the project area. State and County evaluation of water supplies must occur, to eliminate conflicts of interest established if TRC's consultant studies or their Urban Water Management Plan are accepted on face value. Alternatively, state and county water agencies must state on the public record as a part of the EIR their acceptance and endorsement of the validity and accuracy of those consultant studies.

In view of the vast impact of this development on local groundwater supplies, this company should be required to fully and completely disclose how it will protect existing natural resources, the watershed, the water table, area streams and springs and how it will manage this water district in a transparent manner. The public's participation in this entire process and the
Chapter 7. Responses to Comments

Comment Letter 46a, Cont.

district's management of its internal affairs is essential if their interests and investments are to be protected. Tejon Ranch and its captive Water District must recognize that they can no longer operate their water affairs in a secretive, isolated setting if public funds, natural resources, local economies, rural lifestyles and activities are at stake.

The TCWD must send an annual Consumer report to all landowners in its district. That report is required to include a commentary on water quality and quantity, and should include a financial report to the landowners. That has not been done, nor has Calif. DHS required it. Note also that a CFD requires a Board of Directors and public proceedings and access; no public notices regarding its meetings or affairs have been issued in the local area. Also, a report on the following should be included in that summary:

NOTE D – COMMITMENTS AND CONTINGENCIES

The Tejon Ranch Public Facilities Financing Authority, a joint powers authority formed by Kern County and the Tejon-Castac Water District, formed a Community Facilities District, or CFD, that has placed liens on 1,728 acres of the Company's land. These liens are to secure payment of special taxes related to $23.9 million of bond debt sold by the CFD. The Company is obligated, as a landowner in the district, to pay its share of the special taxes assessed each year. The 1,728 acres of land includes the Tejon Industrial Complex-West development. Proceeds from the sale of CFD bonds went to the Company as reimbursement for public infrastructure related to the Tejon Industrial Complex-West development. There have been no reimbursements thus far during 2005. During 2004, the Company paid approximately $101,000 in special taxes related to the CFD. As development occurs at Tejon Industrial Complex-West, new owners of land and new lease tenants, through items 5 a through 9, have been required to pay their portion of the assessed special tax. As this occurs, the Company's obligation will be reduced. It is expected that the Company will have special tax payments in 2005 of approximately $150,000, but this could change in the future based on the amount of bonds outstanding within the CFD and the amount of taxes paid by others. As and if development and values increase around the Tejon Industrial Complex-West, the Company may be able to have approximately 1,400 acres released from the CFD lien.

The TCWD has not responded to my Calif. Public Records Act request for info as to the last elections or for a list of landowners in the district. Please require them to do so.

The Kern County Planning Department's CD containing the Notice of Preparation was sent out with Tejon Ranch's Tejon Mountain Village logo printed on it. Just below the TMV logo is printed "Kern County". CEQA is clear in the fact that the NOP/EIR process is to be an objective, unbiased process by the lead agency. Kern Planning should under no circumstances during the NOP process affiliate itself with the advertising and promotion activities of the applicant. To do otherwise, as was done in this case, is a clear and indisputable conflict of interest and suggests a bias and compromise of the public's interest and funds. In my years, I have NEVER seen such a blatant abuse of a conflict of interest and implied support of a project as was done in this instance. This CD should have been reproduced in a blank fashion, or with only Kern County's information on it. Who paid for this CD, who paid to have the artwork and logo placed on it and how were public funds involved in doing so? If Kern County Planning cannot prevent this type of conflict of interest, then the entire department, the County and the Board of Supervisors should legally recuse itself and have another county's officials consider this project on its own merits.

We have a copy of a previous development proposal map related to TMV. That map is substantially different from the current proposal and shows MUCH more extensive residential and commercial development. Which is the correct map, both short and long term?

Mr. Mullins was quoted as responding several months ago when referring to yours truly's report to the Newhall Daily Signal of the future development of TMV as that report being "....a figment of their imagination." Apparently not. As legal counsel to this corporation, Mr. Mullins should apologize to the public for that misrepresentation.

ALL cumulative impacts created by this and companion, affiliated TRC projects must be mitigated, reviewed and coordinated with the counties of Los Angeles and Ventura as well as Kern on a cooperative, regional analysis basis, in view of the numerous regional impacts to the public that will occur.

The following is in the instructions for preparation of the NOP, contained in the actual TMV document. Nowhere in the NOP comments or Evaluation of Environmental Impacts or Issues and Supporting Information Sources, rankings of impacts, etc. are there ANY references to the direct or indirect cumulative off-site construction or operational impacts or any discussion thereof. I.e., TIC, Centennial proposals, Arciero's project, etc. In addition, we know that TRC has used or will use earlier analyses of impacts that were incorporated into the TIC, Arciero and Centennial NOPs and EIRs, and prior studies done by their consultants or Kern County—especially biostudies, the Tejon-Castac Water District UWMP and other water studies. Items 5 a through 9 and item 6 have not been addressed or responded to in that context anywhere in the NOP. That in and of itself invalidates the NOP, due to the incomplete summary and misrepresentation it gives the public and public agencies during the NOP comment period, the failure of the NOP to address cumulative impacts and inform the public as to
where prior studies are available for review, any effects previously analyzed, mitigation measures considered and references to information sources in those prior documents not being included. The NOP should be reissued to address those issues as a result.

“(2) All answers **must** take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

(5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration, Section 15063(c)(3) (D). In this case, a brief discussion should identify the following:

(a) Earlier Analysis Used. Identify and state where they are available for review.

(b) Impacts Adequately Addressed. Identify which effects from the above checklist where within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

(c) Mitigation Measures. For effects that are **Less Than Significant With Mitigation Measures Incorporated,** describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

(6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.”

Thank you for accepting and considering these comments. A printed copy will be mailed to your attention.

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661-245-3438
Comment Letter 46a. Wiens, Lloyd (July 12, 2009)

Response 46a A.

Thank you for your comment. Commentor requests that the County copy and include his prior public comments on the Project Notice of Preparation (NOP) and consider them as his current comments and concerns regarding the Draft EIR. Commentor's letter of November 2, 2005, which provided comments on the Project NOP, is included here as Comment Letter 46b, and includes detailed responses to the comments raised there. Commentor offers additional comments as follows. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a B.

Commentor states that because the Project site lies within a portion of critical habitat for the California condor, the public is legally owed the due process of not having the EIR or project approved until the US Fish and Wildlife Service (FWS) takes action on the Tehachapi Upland Habitat Conservation Plan (TUMSHCP) and Environmental Impact Statement (EIS).

In response, there is no legal due process requirement applicable to the sequencing of the County and FWS approvals. The EIR includes an evaluation of Project impacts to protected species, and mitigation measures for such impacts. The Project is also required to obtain all other legally required approvals, including but not limited to FWS approval under the federal Endangered Species Act and the California Department of Fish and Game approval under state protected species laws. CEQA ordinarily precedes federal approvals, and always precedes state agency approvals, in requiring a comprehensive evaluation of the whole of the project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a C.

Commentor states that there is an interdependency between the EIR and EIS, and the federal EIS takes precedence in the approval process.

In response, neither document takes precedence over the other: the EIR is prepared under CEQA by Kern County, acting as lead agency; the EIS is prepared under the National Environmental Policy Act (NEPA) by the FWS, which is the lead agency for the TUMSHCP. The Project is described in the TUMSHCP, but the TUMSHCP also comprises the whole of the Tehachapi Mountain Upland area. Commentor also requests "unsealing of the original Condor HCP and related documents." The commentor also requests that the TUMSHCP be incorporated into the EIR, because this is a draft document that has not been approved by FWS, incorporation in its entirety to the EIR is inappropriate and would lead to inconsistencies and other problems if the TUMSHCP is modified, or an alternate ESA approval process is undertaken, in the future. Commentor's request relates to an ongoing lawsuit between TRC and FWS regarding the release of captive-reared birds on Tejon Ranch; this lawsuit remains pending, but also resulted in a Stipulated Settlement pursuant to which FWS and TRC agreed to prepare an HCP to address California condor issues. As is not unusual in such lawsuits, settlement discussions and document exchanges between the parties were made subject to a Protective Order. Release of any such documents would violate the Protective Order. All documents relied on in the Draft EIR are identified in the EIR, and have been available for public review.
Response 46a D.

Commentor states that the location of Castac Lake requires cumulative impact analysis of the Project’s effect on that water body. The Project’s cumulative impacts on hydrology and water quality of receiving waters are discussed in Section 4.8.5 of the Draft EIR. The cumulative impacts were analyzed by considering whether the Project, in combination with the approved or proposed projects identified in the cumulative projects list (refer to Table 3-7 of the Draft EIR), could adversely affect water quality in any of the watersheds including Castac Lake. Potential cumulative impacts would be mitigated through required drainage studies to identify potential impacts and by the implementation of appropriate on-site drainage improvements. All projects would also be required to implement local, federal, and state water quality protection measures on a project-specific basis to reduce potential water quality impacts. These measures would reduce each project’s potential impacts on hydrology and water quality to less than significant levels as discussed in the EIR. Cumulative impacts were found to be less than significant after the implementation of mitigation measures 4.8-1 through 4.8-46 (refer to page 4.8-63 in the Draft EIR).

Response 46a E.

Commentor says that a cumulative impacts analysis should be conducted of the Project's impacts on Castac Lake, stormwater drainage from the Project as well as the Project's impacts on water resources located within the Project boundary, on Castac Lake and on Grapevine Creek, and on adjacent and downstream wetlands, native trout populations and other species in the Castac Lake watershed. The commentor states that a cumulative impact analysis must be conducted by DWR, California Dept. of Fish and Game, and the U.S. Army Corps of Engineers.

Please refer to Global Response 7.5.1, Castac Lake above, which explains that since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project. Please see Global Response 7.5.1, Castac Lake, for further discussion of other hydrology, water quality and biological resource issues at Castac Lake, which has been provided for the purpose of providing further information about the Castac Lake setting. Please also see Response to Comments 24-M, 24-P and 24-U for additional discussion related to the Castac Lake groundwater setting. Finally, please see Draft EIR Section 4.8, HYDROLOGY AND WATER QUALITY, for a discussion of the Project's hydrology and water quality impacts and Section 4.3, BIOLOGICAL RESOURCES, for a discussion of the Project's impacts on biological resources.

Response 46a F.

Commentor states that a cumulative impact analysis of the proposed Project on native trout and other species in the watershed that is fed by runoff from Castac Lake should be conducted by the California Department of Water Resources, the California Department of Fish and Game, and the U.S. Army Corps of Engineers.

As described in Draft EIR Appendix E-1, Section 4.4.4, Special-Status Fish, on page 4.4-29, no native trout (or other native fish) were observed in Grapevine Creek, which is the only creek fed by runoff from Castac Lake.

Pedestrian visual fish surveys were conducted in association with California red-legged frog and arroyo toad surveys in Grapevine Creek in March and April 2007. The only species observed during the surveys was western mosquitofish, a non-native species introduced to California in approximately 1922 from the southern and eastern United States.
As described in Appendix I-3, TRC is managing the Lake to a level of approximately 3,500 feet, and the
Lake elevation was measured at 3,499 feet in August 2009. The Draft EIR assumed a more conservative
Lake level of 3,503 feet lake for the purpose of requiring adequate mitigation for Project stormwater. The
Lake overflows to Grapevine Creek at an elevation of approximately 3,505 feet. Overflow to Grapevine
Creek has occurred twice since 2001, as described in Global Response 7.5.1. The proposed Project does
not include altering the elevation of water at Castac Lake; therefore, the proposed Project would not
contribute to cumulative impacts to native trout populations and other species.

See the specific Draft EIR Section 4.8.2 text below (page 4.8-4):

Castac Lake is adjacent to the southwest boundary of the project and is owned and managed by
the Tejon Ranch Company. The lakebed was formed approximately 10,000 years ago by tectonic
activity along the Garlock fault and is currently 3,480 feet above mean sea level (all elevations in
this section are given in feet above mean sea level). Prior to 2001, water levels in the lake
fluctuated in accordance with local rainfall and other weather conditions. Since 2001, the Tejon
Ranch Company has maintained the lake surface at approximately 3,503 feet by discharging
groundwater into the basin. The lake has a surface area of approximately 380 acres and a
maximum depth of approximately 19 feet. The lake overflows to Grapevine Creek at an elevation
of approximately 3,505 feet; this has occurred twice since 2001. An aeration system is presently
operating in certain portions of the lake.

A study completed for the Tejon Ranch Company estimated that, under current conditions,
approximately 1,240 to 1,520 acre-feet evaporate from the lake basin per year (Appendix I-1). The
study also estimated that approximately 400 acre-feet of groundwater would be required to
maintain lake surface levels in normal precipitation years, negligible amounts of groundwater
would be required in wet years (200% of normal rainfall), and approximately 1,120 acre-feet of
groundwater would be required to maintain the lake in dry years (50% of normal rainfall).
Groundwater volumes discharged into the lake were approximately 1,500 acre-feet in 2002, 400
acre-feet in 2003, and 1,300 acre-feet in 2004 (Appendix I-1).'

It would be the responsibility of the agencies referenced in the comment to determine whether or not they
would conduct a study of the lake.

Response 46a G.

Commentor questions the removal of Castac Lake from the Project, stating that the lake will be used by
Project residents and that a new Notice of Preparation is required. Commentor is referred to Global
Response 7.5.1, Castac Lake, which addresses these and related lake issues.

Response 46a H.

Please refer to the Response to Comment 46a-G.

Response 46a I.

Please refer to the Response to Comment 46a-G.

Response 46a J.

Commentor comments that current and historical water table levels, flows and water quality for Cuddy
Creek and Grapevine Creek and adjacent wetlands require documentation, and that a monitoring system
should be installed in Cuddy Creek and Grapevine Creek to assess any future impacts of the Project on those streams, in light of the public's existing groundwater, diversion and riparian water rights to these resources at various locations upstream and downstream of the Project.

Project impacts related to surface and groundwater quality were thoroughly discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. Project impacts to wetlands were thoroughly discussed in Section 4.4, BIOLOGICAL RESOURCES. Water supply impacts for the Project are discussed in Section 4.16, UTILITIES AND SERVICE SYSTEMS. As discussed in Sections 4.8 and 4.16 of the Draft EIR, the Project will not utilize local area groundwater. The mitigation measures and monitoring program included in Mitigation Measures 4.8-25 through 4.8-28 and 4.8.30 are intended to address low flow impacts to stream habitat as well as flooding and erosion concerns. Implementation of water quality and flow duration control basins, bioretention areas and swales, and vegetated filter strips throughout the Project will allow for the infiltration and/or evaporation of nuisance flows and runoff from most storm events. This water quality design, coupled with the overall low density of the Project is expected to result in no impact to stream habitats. If there are any changes, the monitoring program implemented with Mitigation Measure 4.8-30 would identify that impact and trigger an adaptive response program.

Response 46a K.

Commentor identifies several issues regarding Castac Lake, including questions about the aeration system, any dredging, and prior permits. Please refer to Global Response 7.5.1, Castac Lake.

Response 46a L.

Commentor states that the discovery of Native American burial sites and artifacts associated with lake activity need to be disclosed. The Draft EIR appendices include Appendix F-1 Phase 1 Archaeological Survey and F-2 Phase 2 Archaeological Survey. Both reports provide details regarding archaeological activity conducted on the Project site including adjacent areas adjacent to the lake. The Phase 1 survey includes information regarding the uncovering of human remains at site GT-1 during geotechnical trenching. Please refer to page 31 of the Phase 1 survey report provided as Appendix F-1 to the Draft EIR.

Commentor requests public disclosure of Native American burial sites and artifacts which commentor believed to result from "illegal activities" regarding activities in and around Castac Lake. With respect lake issues, please see Global Response 7.5.1, Castac Lake.

To the extent that commentor requests disclosure and documentation regarding prior activities, the purpose of the Project EIR is to identify the significant effects on the environment from the Project, evaluated against the baseline of the existing physical conditions in the affected area. Public Resources Code §§ 21002.1(a); 21100(b)(3); Guidelines § 15126.2(a). Accordingly, discussion regarding activities that preceded the Project and that are not part of the Project Description are not properly discussed within the Project EIR.

Information regarding the discovery of Native American burial sites and artifacts in and around the Project site must be disclosed, to the extent that these cultural resources could be impacted by the Project and to enable the EIR to make recommendations for their treatment and protection. Public Resources Code §§ 21002 and 21002.1(a)-(b). The Draft EIR Chapter 4.5, CULTURAL RESOURCES/PALEONTOLOGY, identifies and describes all of those archaeological sites identified at the Project site and provides mitigation measures to preserve and protect these cultural resources. In addition, the Draft EIR incorporates Mitigation Measure 4.5-3 to ensure that prior to ground disturbing
activities, earthmoving and excavation contractors know what procedures to follow should they discover additional cultural resources or human remains, in order to ensure their protection. Draft EIR, Section 4.5-3, CULTURAL RESOURCES AND PALEONTOLOGY.

It should be noted, however, that in order to ensure the protection of these cultural resources, information regarding Native American graves, cemeteries, sacred places, features, and objects, is not required to be disclosed to the public. See Government Code Section 6254(r) (exempting this information from Public Records Act disclosure requirements assuming it has been provided to the Native American Heritage Commission or a state or local agency). Mitigation Measure 4.5-1 requires the Project proponent to provide a map indicating the location of identified archaeological sites to Kern County Planning Department, but also requires that this map be kept confidential. This allows the Project proponent and the County to ensure that identified resources are protected during earthmoving and excavation activities, and prevents potential Project impacts that could occur because of public disclosure of the resources' exact location. This meets the requirements of Public Resources Code Section 21002.1(b), to mitigate or avoid significant effects on the environment.

Response 46a M.

Commentor requests evidence of compliance with CEQA and other laws in relation to the cultural resource activities alleged to have occurred, as described above. Please refer to Response to Comment 46a-L. No compliance issues have been identified in connection with these activities.

Response 46a N.

Commentor states there has been no communication between the Project applicant or the Kern County Planning Department with Kern County Local Agency Formation Commission (LAFCO). The Draft EIR was distributed to LAFCO during the public comment period. No comments have been received from LAFCO.

Response 46a O.

Commentor reports that based on his contact with the Kern County LAFCO Project applicant has not discussed with LAFCO "how property taxes and other revenues would be distributed, how other local public service entities will be impacted, and how the future impacts to these entities and agencies' operations, finances, debt and public services obligations created by this Project were or will be evaluated." Commentor notes that "planning" requires meetings and coordination of these issues between the County and public service entities, and identifies public agencies at issue as the "South Kern County Cemetery District, Bear Mountain Parks & Recreation District, the US Postal Service, the Kern County Parks and Recreation Department, the Tejon-Castac Water District, Arvin School District, El Tejon School District, Southwest Health Care District, Frazier Mountain Clinic, local water purveyors, and others." The CEQA process mandates notice at several different points in the process to "responsible agencies" including local, regional and state agencies that have jurisdiction over all or some portion of the process. Most of the public agencies identified by commentor are responsible agencies, and are identified in Section 2.6 of the Draft EIR, including the Kern County Parks and Recreation Department, Tejon-Castac Water District, LAFCO, and the El Tejon and Arvin Unified School Districts. These agencies and more than a dozen others received copies of the NOP, notification that copies of the Draft EIR were complete and available for review and copies of the Draft EIR. Several of these responsible agencies have also commented on the Draft EIR. This is the County consultation process, although further meetings and dialogue has also occurred with the Project applicant and these agencies. Other state or local entities identified by commentor, including the South Kern County Cemetery District, Bear
Mountain Parks & Recreation District, and the Southwest Health Care District, do not have any approval jurisdiction over the Project, and are thus not responsible agencies. However, the Project site spans three Recreation and Park Districts, and will be required to pay park fees to each, including the Bear Mountain Recreation and Park District, as depicted in Figure 4.14-2 and required by Mitigation Measure 4.14-1. No changes to Recreation and Park District boundaries are sought by the Project. Finally, the remaining entities listed by commentor are either not responsible state, regional or local agencies (e.g., the US Postal Service, which also has no discretionary approval authority over the Project), or are not public agencies (e.g., the Frazier Mountain Clinic). This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a P.

This comment concerns contacts with the LAFCO regarding the Project area to be annexed by Tejon Castac Water District (TCWD).

LAFCO was contacted by representatives of TCWD on at least one occasion during the preparation of the Draft EIR and indicated that an application for annexation should be processed after the Draft EIR has been certified by Kern County. The Draft EIR describes the required adjustments in the TCWD boundary that LAFCO will be asked to approve. The District’s existing and proposed new boundaries to serve the Project are identified in Figure 4.16-1.

Response 46a Q.

Please refer to the Response to Comment 46a-O.

Response 46a R.

Please refer to the Response to Comment 46a-O.

Response 46a S.

Please refer to the Response to Comment 46a-O.

Response 46a T.

Please refer to the Response to Comment 46a-O.

Response 46a U.

Please refer to the Response to Comment 46a-O.

Response 46a V.

Commentor believes that the planning process for all of the entities identified in the preceding Response should be a mandatory part of CEQA, and that to do otherwise does not protect the public interest by taking into account all short and long term costs to each of these entities. This comment expresses an opinion about the adequacy of a state law, CEQA, and is noted for the record and will be provided to the Planning Commission and Board of Supervisors for their review.
Response 46a W.
Please refer to the Response to Comment 46a-V.

Response 46a X.
Please refer to the Response to Comment 46a-V.

Response 46a Y.
Please refer to the Response to Comment 46a-V.

Response 46a Z.
This comment suggests that the Draft EIR must “define” the rights of future landowners in the TCWD service area to participate in district elections and management.

Election to the District’s board are governed by the provisions of the California Water Code, commencing with Section 35003. These provisions provide that future landowners within the District will be able to participate in District elections and to run for election to the TCWD board should they desire to do so. TCWD is also subject to the Uniform District Election Law, California Elections Code Sections 10500 et seq. TCWD has and will continue to comply with all Water Code, Elections Code, and other laws and regulations pertaining to District elections and management. These statutory and regulatory requirements identify how future landowners may participate in future District elections and management, and no additional consideration of these issues is required in the Draft EIR.

Response 46a A2.
This comment suggests that the rights of future landowners in the TCWD service area to participate in district elections and management must be documented by the Kern County Planning Department, the “California Department of Health Services,” “the Kern County Elections Division,” in the “plan,” and in the Draft EIR.

As discussed in Response to Comment 46a-Z, TCWD has and will continue to comply with all Water Code, Elections Code, and other laws and regulations pertaining to District elections and management. These statutory and regulatory requirements identify how future landowners may participate in future District elections and management, and no additional documentation of these issues is required by the Kern County Planning Department, the “Department of Health Services,” the “Kern County Elections Division,” the Project Specific Plan or Special Plan, and in the Draft EIR.

Response 46a B2.
Commentor states that development never pays for itself, and also asserts that other factors ranging from health care, pensions, wages, workers comp., liability insurance, double-dipping by public agencies, infrastructure, right of way and street maintenance, public facilities, power bills, gas bills, phone bills, travel expenses, education, hospitals, cemeteries, vehicle maintenance, legal costs, planning costs, and employee expenses related to all of these factors, will result in a net Project loss. Apparently referring to the open space option acquisition areas in the Ranchwide Agreement, commentor notes that this is "sour pudding”. Commentor also notes that "Squirrels and toads are more important than fiscal responsibility during the CEQA process" and offers other opinions about bankruptcy, medicine men and the "naïve,
uncaring public". Commentor's opinions are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 46a C2.**

Please refer to the Response to Comment 46a-B2.

**Response 46a D2.**

Please refer to the Response to Comment 46a-B2.

**Response 46a E2.**

Please refer to the Response to Comment 46a-B2.

**Response 46a F2.**

The comment is an introduction to the letter, and notes that the following comments regarding the Project NOP have been consolidated from several members of the local community. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 46a G2.**

The comment states that the Draft EIR must address the cumulative impacts of all of Tejon Ranch Company's planned projects, and evaluate the impacts within both Kern and Los Angeles Counties. Tejon Ranch Company must also reveal plans for all current and future projects, as required by CEQA, Conditional Use Permit, Specific Plan, and other permit procedures for the State of California and Kern County.

The Draft EIR does address cumulative impacts from the Project (which includes the Tejon Mountain Village Specific Plan), and includes an exhaustive list of current and planned projects in the vicinity, including projects planned by Tejon Ranch Company in Kern and Los Angeles Counties. Please refer to Section 3.7, CUMULATIVE EFFECTS OVERVIEW, and Table 3-6,

"Projects Considered in Cumulative Analyses," and Section 5.4, SIGNIFICANT CUMULATIVE IMPACTS for further information regarding the Draft EIR's analysis of potential cumulative impacts. In addition, each section of the Draft EIR examines the potential cumulative impacts within each impact area. Impacts considered cumulatively unavoidable include impacts to aesthetics/light and glare; air quality and climate change; biological resources; hazards and hazardous materials; noise; population and housing; and transportation and traffic. See Table 1-1, "Summary of Significant Impacts of the Proposed Project."

With respect to analysis of impacts from cumulative use permits and other permit processes, the Draft EIR contains the level of analysis required by CEQA, including approval of the Tejon Mountain Village Specific Plan and Tejon Mountain Village Special Plan No. 1, Map 256. Other Project-related permits will be evaluated at the time they are applied for. See Section 2.6, RESPONSIBLE AND TRUSTEE AGENCIES. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 46a H2.

Please refer to the Response to Comment 46a-C.

Response 46a I2.

Please refer to the Response to Comment 46a-C.

Response 46a J2.

Please refer to the Response to Comment 46a-C.

Response 46a K2.

Please refer to the Response to Comment 46a-C.

Response 46a L2.

Commentor states that the Draft EIR must specifically address all unique, threatened, listed, or previously unknown species, habitats, and existing wildlife migration routes for all species resident on or travelling through TRC properties. Commentor states that 42 special-status species are documented in prior TRC studies. Commentor states that mitigation must be offered to offset impacts to these species.

The Draft EIR acknowledges that there would be permanent loss of habitat on site for designated special-status species, special-status vegetation communities, and wetlands and concludes that the permanent loss of habitat would be significant for several of these species, vegetation communities, and wetlands. The Draft EIR describes mitigation measures to reduce these identified significant impacts to a level less than significant. These impacts are not regarded as significant and unavoidable because avoidance, minimization, and mitigation measures are incorporated in the proposed Project for each special-status species, special-status vegetation community, and jurisdictional wetland described in the Draft EIR.

Regarding the net loss of regional habitat connectivity, the Draft EIR acknowledges that there would be permanent impacts to regional habitat connectivity, and concludes that these impacts would be less than significant. See Draft EIR, Section 4.4, BIOLOGICAL RESOURCES, Impact 4.4-4: Interfere Substantially with the Movement of any Native Resident or Migratory Fish or Wildlife Species or Established Native Resident or Migratory Wildlife Corridors or Impede the Use of Native Wildlife Nursery Sites, on page 4.4-431:

As discussed below, the project would completely avoid a large contiguous wildlife linkage to the north and east of the site that encompasses the substantial majority of the land in the western Tehachapi landscape. The project’s open areas, which comprise approximately 81% of the site, would be integrated with and support this linkage. Wildlife linkage functions would also be maintained in the lower density portions of the project’s development envelope and would also be expected to persist in certain higher density portions of the development envelope. Several of the project’s proposed biological resource mitigation measures would further reduce impacts on potential species movement. The regional wildlife linkage would connect directly with the most heavily used Interstate 5 undercrossings identified in the camera study and maintain existing movement at these locations. As a result, the project would not significantly affect movement of native resident or migratory species in the western Tehachapi landscape.
Response 46a M2.

Commentor states that all of TRC’s previous consultant studies and/or species documentation and related biological and botanical information must be revealed and placed in the public record.

A summary of Previously Conducted Surveys on Tejon Mountain Village is provided in Appendix C of the Draft EIR Appendix E-1: Tejon Mountain Village Biological Resources Technical Report.

Response 46a N2.

Commentor states that TRC must disclose to the public and place on the public record any known conflicts of interest with, or compensation of, any previous or current public officials in the State of California, who have been involved in previous biological studies of TRC assets.

The applicant has complied with and will comply with all applicable legal requirements regarding the disclosure of conflicts of interest with, or compensation of, any previous or current public officials in the State of California that have been involved in previous biological studies of TRC assets.

Response 46a O2.

Commentor states that the Draft EIR must analyze air quality impacts from the Project and include air quality monitoring data from the Tejon Ranch monitors. Commentor also states the Draft EIR must present its analysis based on current air quality standards, and notes that air quality impacts should be mitigated.

Section 4.3, AIR QUALITY AND CLIMATE CHANGE includes a thorough analysis of the Project's air quality impacts, and includes monitoring results from the Tejon Ranch station (Draft EIR at 4.3-14), discussion of and analysis relative to current air quality standards (Draft EIR at 4.3-5 to 4.3-11, 4.3-102 to 4.3-138), and incorporation of a variety of mitigation measures (Draft EIR at 4.3-105 to 4.3-106, 4.3-113 to 4.3-118, 4.3-128 to 4.3-136, 4.3-147, 4.3-150 to 4.3-151).

Commentor also raises concerns with the air quality analysis included in the EIR for another project – the Tejon Industrial Complex East. The comment has been noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The environmental review conducted for that project is beyond the scope of these Final EIR responses to the Draft EIR.

Response 46a P2.

The comment states that the Draft EIR must address and mitigate for future impacts to public facilities, properties and infrastructure, including: school systems; fire protection; emergency planning; health care services; U.S. Forest Service properties and recreation, traffic, and public transportation related to those properties; public transportation; and road maintenance and snow clearance. The Draft EIR includes analyzed these issues as appropriate. For example, impacts to health care services are not environmental impacts and are therefore not covered by CEQA. Please refer to Section 4.13, PUBLIC SERVICES, for a discussion of potential impacts to school systems, fire protection, and emergency services. Please refer to Section 4.14, RECREATION, for a discussion of potential impacts to recreational resources, including U.S. Forest Service properties. Please refer to Section 4.15, TRAFFIC AND TRANSPORTATION, for a discussion of potential impacts from increased traffic, including provision of public transportation. Road maintenance, including snow clearance, is funded by the Project for private roads; for public roads dedicated to the County, roadway maintenance is funded by tax revenues paid to the State and County by
future Project occupants. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 46a Q2.**

The comment states that the Draft EIR must contain traffic studies and projections for Interstate 5, Highway 138, and local roads, including cumulative impacts from current and proposed projects in the region. The Draft EIR contains a detailed analysis of potential traffic impacts, including potential traffic from current and proposed projects in the region. Please refer to Section 4.15, TRAFFIC AND TRANSPORTATION, for a discussion of potential impacts from increased traffic on local and regional roads. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 46a R2.**

The comment states that the Draft EIR must address impacts related to commercial and residential properties and facilities in neighboring communities. The Project includes a village/mixed use center designed to provide goods and services to Project residents and the traveling public, but does not include a regional shopping mall or other "big box" uses that could potentially cause adverse environmental consequences to existing area businesses. The Project will also increase the population, and add new potential customers, for local businesses. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 46a S2.**

The comment notes that the Draft EIR must calculate the property taxes that would be generated by the Project and compare them to the expenses incurred by the taxpayers of California, Kern, Los Angeles and Ventura Counties. CEQA does not require a comprehensive multi-jurisdictional analysis of all tax revenues and public services; however, the Draft EIR includes analysis of applicable public services and provides mitigation measures that have been found to reduce impacts to these services to less than significant. Please see Sections 4.13, PUBLIC SERVICES and 4.14, RECREATION for the complete analysis and mitigation measures.

**Response 46a T2.**

Commentor states that the EIR must publicly reveal and document "precise locations" of known Native American cultural sites and related resources. As discussed in Response to Comment 46a-L, public disclosure in an EIR of precise locations is not lawful. Pursuant to Government Code Section 6254(r), information regarding Native American graves, cemeteries, sacred places, features, and objects, is not required to be disclosed to the public. The EIR properly discloses the existence of archaeological sites and Mitigation Measure 4.5-1 requires the Project proponent to provide a map indicating the location of identified archaeological sites to Kern County Planning Department, to enable their mitigation and protection. Draft EIR, Section 4.5-3, CULTURAL RESOURCES AND PALEONTOLOGY. However, Mitigation Measure 4.5-1 requires that this map be confidential, to further enable cultural resource protection. Id. This meets the requirements of Public Resources Code Section 21002.1(b), to mitigate or avoid significant effects on the environment.

Commentor also states that return Native American artifacts must be returned, should they be currently held, to the closest known surviving Native American tribal leaders. There are no Native American artifacts currently held in relation to the Tejon Mountain Village Project that is the subject of the EIR; however, the required consultation process for cultural resource discoveries has been and will be
followed. As discussed in Draft EIR Section 4.5, following a discovery during the Phase II investigation, Project archaeologists consulted with the Native American Heritage Commission and that individual whom the Commission had designated as the Most Likely Descendant for the Tejon Ranch area. *Id.*

Commentor asserts that Native American representatives should oversee construction activities and be provided regular access to known cultural resources. All of those mitigation measures identified in the EIR that are designed to ensure that additional resources are not uncovered or disturbed during development involve the consultation of Native American and archaeological monitors. *Id.* In addition, Native American monitors were present during Phase II of Project Site investigation, and a qualified cultural resource manager/monitor from a local California Native American tribe is required to conduct the orientation required prior to ground disturbing activities and set forth in Mitigation Measure 4.5-3. *Id.*

**Response 46a U2.**

Commentor states that the EIR must identify and mitigate impacts to wetlands near Castac Lake, and to water quality at EL Tejon School and Grapevine. As described in Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES, the Project has been designed to avoid significant adverse impacts to Castac Lake and surrounding wetlands. As discussed in Section 4.5 of the Draft EIR, HYDROLOGY AND WATER QUALITY, the Project also includes stormwater management and mitigation requirements to adverse water quality impacts downstream of Castac Lake.

**Response 46a V2.**

Commentor comments that the EIR must address impacts to Grapevine Creek's natural flow and quality, and its native trout habitat, that current flow and quality must be documented, and that flow and quality measuring and monitoring devices must be installed.

Regarding impacts to Grapevine Creek flow and quality, documentation of current flow and quality, and monitoring of flow and quality, please refer to the Response to Comment 46a-J, above. Regarding impacts to native trout habitat, as described in Draft EIR Appendix E-1, Section 4.4.4, Special-Status Fish, on page 4.4-29, no native trout (or other native fish) were observed in Grapevine Creek. The Draft EIR considered the beneficial uses designated for the Project's receiving waters, including Grapevine Creek in Section 4.8, HYDROLOGY AND WATER QUALITY. Grapevine Creek is a "westside stream" for the purposes of the Central Valley Regional Water Quality Control Board's "Water Quality Control Plan for the Tulare Lake Basin, Second Edition ("Basin Plan"). The beneficial uses of westside streams include Wildlife Habitat, and the impact analysis included the consideration of potential water quality impacts to the beneficial uses of the Project's receiving waters and concluded that such impacts would be less than significant with mitigation. Draft EIR, Section 4.8, HYDROLOGY AND WATER QUALITY. Note, however, that the designated beneficial uses for westside streams in the Basin Plan do not include Spawning, Reproduction, and/or Early Development. See also, Response to Comments 25-B9, and 25-C9.

**Response 46a W2.**

Commentor states that impacts of the enlargement of the lake to streamflows and floodwaters, I-5 and the water tables, must be engineered based on damage to I-5 that occurred in 2005. The lake is not included in the Tejon Mountain Village Project, and the lake engineering requested by the commentor is outside the scope of the Project and the EIR. The Draft EIR also concludes that planned improvements such as the raising of Lake Drive will decrease 100-year storm flows by approximately 26% as compared to existing conditions. (Draft EIR p. 4.8-55) Further responses to questions regarding the lake are presented.
in Global Response 7.5.1, Castac Lake. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a X2.

Commentor states that impacts to Grapevine Creek’s native trout habitat from the previous introduction of non-native fish must be documented, and mitigation and barriers must be erected to prevent the intrusion of non-native fish into Grapevine Creek.

As described in Draft EIR Section 4.4.2, ENVIRONMENTAL SETTING, page 4.4-45, four fish species were observed on the proposed Project site, and are all believed to have been stocked fish:

Four species of ray-finned fishes were observed on the project site in emergent vegetation and include black crappie (Pomoxis nigromaculatus), bluegill sunfish (Lepomis macrochirus), largemouth bass (Micropterus salmoides), and western mosquitofish (Gambusia affinis). The lake has been historically stocked for recreational fishing purposes with additional fish, such as golden shiners (Notemigonus crysoleucas), red-ear perch (assumed to be red-ear sunfish, Lepomis microlophus), and blue channel catfish (Ictalurus punctatus); however, these species were not observed in 2007. (Although these fish were stocked on site, the stocking may not have been successful.)

TRC has stocked the fish for many years. The proposed Project does not include altering the stocking practices at Castac Lake. This activity is considered to be an existing condition and is not considered to be an element of the proposed Project description.

Response 46a Y2.

Commentor states that impacts to groundwater and surface waters and supplies caused by the evaporation of waters from the lake must be documented and mitigated, and future plans for the lake and FEMA management plans must be revealed. As noted above, the lake is not included in the Project, and commentor's requests are outside the scope of the Project and the EIR. Further responses to questions regarding the lake are presented in Global Response 7.5.1, Castac Lake. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a Z2.

Commentor comments that any impacts to water quality must be mitigated. Project impacts on water quality and associated mitigation measures are discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY. As mitigated, the Project will not result in any significant adverse impacts to water quality.

Response 46a A3.

The commentor addresses concerns related to the groundwater conditions in the vicinity of the Project. The commentor mentions the perceived need for an independent evaluation of the basin inflow and outflow by the State Water Resources Control Board (SWRCB), additional water level monitoring, and updates to DWR Bulletin 118. The commentor mentions springs and wells in the area that have historically been artesian. The commentor states that data from wells around Castac Lake should be provided to the public for analysis.
The Project does not intend to use groundwater for potable or non-potable uses as discussed in Draft EIR Section 4.16, UTILITIES AND SERVICE SYSTEMS. Please refer to Global Response 7.5.1, Castac Lake, above, which explains that since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project.

For the purpose of providing more information regarding the Castac Lake setting, the Castac Lake Valley Groundwater Basin (Basin 5-29) description was updated in DWR Bulletin 118 in February 2004. An additional evaluation of the groundwater basin in the vicinity of the Project was provided in Stetson (2006), referenced in Draft EIR Appendix E-1. Water level data from selected wells around Castac Lake are also provided in Stetson (2006). As discussed in Stetson (2006) and Response to Comment Letter 24-M, water levels in the area fluctuate naturally due to periods of dry and wet climate. Stetson (2006) states, for example, that the water level in well PW-56A, which was flowing artesian in 2006, was at 102 feet below ground surface (ft bgs) when it was drilled in 1956. As another example, Stetson (2006) states that the water level in the Atlantic Richfield well located in Section 35, Township 9N, Range 19W was 172 ft bgs in 1968. These natural variations in water levels can be expected to affect both groundwater flow patterns and flow in springs. Data presented in Appendix A of Stetson (2006) indicates that groundwater levels have remained high (i.e., artesian in some cases) in the vicinity of Castac Lake since July 2000. Therefore, there is no evidence to suggest that groundwater pumping conducted by TRC since 2001 for lake level maintenance since 2001 has created significant declines in the overall groundwater table. Therefore, although no specific information is provided regarding flows in springs, which can be impacted by localized groundwater conditions, it appears unlikely that groundwater extraction by TRC 2001 would have reduced spring flows beyond that which has naturally occurred due to the climatic cycle.

As discussed in Response to Comment Letter 24-M, the total estimated groundwater pumping from the Castac Lake Valley Groundwater Basin is within the estimated safe yield of the basin (Stetson, 2006).

Water level data from wells in the vicinity of Castac Lake for the period from July 2005 through September 2005 are provided in Appendix A of Stetson (2006).

**Response 46a B3.**

Commentor describes an off-site waterfall emanating from a pipe just to the north of the north entrance bridge into Ft. Tejon Park, flowing into Grapevine Creek. The comment asserts that this source is "no doubt what caused the bubbling water that came thru the lanes of I-5 underneath the Ft. Tejon underpass this years, not the surface waters of Grapevine Creek, which flow on the west side of the freeway."

The comment describes an existing, off-site drainage condition that is not related to the Project. The comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

**Response 46a C3.**

The commentor addresses concerns regarding springs and wetlands in the area near TRC headquarters. Please see Global Response 7.5.1, Castac Lake, for further discussion of other hydrology, water quality and biological resource issues at Castac Lake, which has been provided for the purpose of providing further information about the Castac Lake setting. Further, as discussed above in Response to Comment 46a-A3, both groundwater levels and the flow rate in natural springs in the Castac Lake Valley.
Groundwater Basin fluctuate due to climatic variability and other factors as further described in Global Response 7.5.1, Castac Lake.

**Response 46a D3.**

The commentor addresses concerns regarding changing aquifer dynamics in the aquifer downstream from Castac Lake caused by increased water levels in Castac Lake, mentioning “unnatural water pressure, storage and sourcing.”

The Project does not intend to use groundwater for potable or non-potable uses as discussed in Draft EIR Section 4.16, UTILITIES AND SERVICE SYSTEMS. Please refer to Global Response 7.5.1, Castac Lake, above, which explains that since the Tejon Mountain Village Project does not propose use, development, maintenance, or modifications of Castac Lake, the lake activities predate the Tejon Mountain Village Project and are therefore part of the environmental setting, rather than part of the proposed Project. For the purpose providing information regarding the Castac Lake setting, please see Response to Comment 46a-A3, above, which explains that Castac Lake Valley Groundwater Basin levels fluctuate naturally due to climatic variability, rather than as a result of TRC lake management activities.

**Response 46a E3.**

The commentor addresses concerns related to high groundwater levels in the vicinity of El Tejon School. The commentor states that pollution at the school about 10 years ago was at least partially caused by the height of the water table at the time.

As discussed above in Response to Comment 46a-A3, above, groundwater levels in the Castac Lake Valley Groundwater Basin fluctuate naturally due to climatic variability. Further, there is no hydrogeologic information presented in Stetson (2006) or in DWR Bulletin 118 that would indicate that groundwater levels in the vicinity of El Tejon School would be impacted through increasing water levels in Castac Lake through groundwater extraction. Pumping of groundwater into Castac Lake does not increase hydraulic pressure within the basin as suggested by the commentor. Increased water levels in the vicinity of El Tejon School are likely the result of natural fluctuation in groundwater conditions.

The commentor refers to pollution and the existence of a high water table in the vicinity of El Tejon School about 10 years ago. This pre-dates recent groundwater extraction for lake level maintenance by TRC which was initiated in 2001, and therefore, such conditions cannot be associated with lake level maintenance activities.

**Response 46a F3.**

The commentor addresses concerns regarding high water levels in the vicinity of the El Tejon School and how the school’s pool is no longer used because high water levels prevent cleaning of the pool. As discussed above in Response to Comment 46a-A3, above, groundwater levels in Castac Lake Valley Basin fluctuate naturally due to climatic variability.

**Response 46a G3.**

Commentor states that because the water table is regularly full, TRC must be required to mitigate for potential flood impacts to I-5 and Fort Tejon based on altered springwater artesians that percolate through asphalt seams. Please refer to Response to Comment 12-H for a discussion of flood protection measures related to Fort Tejon. Commentor offers no evidence that there is flooding risk from artesian springs.
seeping through asphalt, but this comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a H3.

Commentor states that the lake must be restored to its natural state, with impacts from lake management mitigated. As noted above, the lake is not included in the Project, and the commentor's request is outside the scope of the Project and the EIR. Further responses to questions regarding the lake are presented in Global Response 7.5.1, Castac Lake. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a I3.

The comment is regarding an Anthrax incident that occurred on the eastside of the lake and need to place the incident in the public record and address in the Draft EIR. The County is not aware of the incident referred to in the comment. The comment did identify a date or period when the incident supposedly occurred. The applicant asked Ranch Manager Don Givet with the Tejon Ranch Company if he was aware of such an incident. Mr. Givet who has been with the ranch for over 25 years was not aware of any such incident.

Response 46a J3.

Commentor states that if the public is paying for any road infrastructure, public access must be granted to these roads. Commentor also requests copies of roadway-related documentation following the 2000 flood. The Project will pay for the construction of the Project roads on the Tejon Mountain Village site. Public access will be provided to the commercial center from Interstate 5. TRC received no public funding for the relocation of Lake Drive after the floods of 2000 – this was paid for entirely by TRC. As noted above, the lake is not included in the Project, and portions of the roadway between Interstate 5 and the commercial center will become public. Other comments are outside the scope of the Project and the EIR. Further responses to questions regarding the lake are presented in Global Response 7.5.1, Castac Lake. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The commentor's opinions are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a K3.

The comment and response are included in Response to Comment 46a-J3, above.

Response 46a L3.

Commentor requests copies of all permits and related documents for the reconstruction of the main entrance road. As described in Global Response 7.5.1, Castac Lake, Lake Drive was damaged by natural flooding and was then reconstructed approximately eight years ago. This completed roadway is an existing environmental condition against which Project impacts and mitigation requirements were established. Commentor's request is beyond the scope of the Draft EIR, but is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a M3.

Commentor requests documentation about cultural resources and the roadway reconstruction. Please refer to Response to Comment 46a-L3.
Response 46a N3.

In the commentor's opinion, the NOP mis-states the level of environmental impact ratings in an attempt to deceive the public and public agencies. The commentor believes the NOP should be re-issued with accurate descriptions of impacts. The NOP is designed to provide basic information about the Project, its location, and the range of impacts that will be evaluated in the EIR. An NOP is not intended to include a comprehensive description of Project impacts: these impacts are identified as a result of the EIR preparation process, and shared with the public and other stakeholders in the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a O3.

Commentor states that the proper time for agencies to submit comments regarding the Project is during the NOP comment period, and that the failure to submit comments on a project of this scope will be seen as either negligent or a biased endorsement of the Project. While the public and public agencies may submit comments regarding a project during the NOP comment period (Public Resources Code Section 21080.4(a); CEQA Guidelines Section 15082), under CEQA comments may also be filed following the Notice of Completion of the draft EIR (Public Resources Code Section 21161; CEQA Guidelines Section 15085(a)) and the lead agency shall consider comments that it receives during this period (Public Resources Code Section 21091 (a)&(d); CEQA Guidelines Section 15088(a)). Pursuant to CEQA Guidelines Section 15085(a), the County provided public notice regarding the availability of the Draft EIR, and pursuant to CEQA Guidelines Section 15086(a), the County requested comments from responsible, trustee, and other state, federal and local agencies. The County has received comments from many of these agencies.

To the extent that the comment asserts how the absence of agency comment will be "seen" by the commentor, comment noted, this reflects commentor's opinion and is forwarded to the Planning Commission and Board of Supervisors for their evaluation.

Response 46a P3.

Commentor states that because the County is aware of seismic conditions in the region, commentor will hold the County legally liable for property damage or bodily injury that occurs at the Project. The County does not assume legal liability for seismic risks or harms by processing land use applications in conformance with applicable legal requirements. Commentor's opinion is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a Q3.

Commentor comments that he would like clarification on the following: (1) how current hunting, wildlife, and fishing programs would be managed; (2) how wildlife will be dealt with if they wander into resort or residential areas; and (3) how wildlife will be transplanted to other areas, both during and after construction.

The Wildlife Management Program within the open space portions of Tejon Mountain Village will be managed by the Tejon Ranch Company. Restrictions within the proposed Project area will be placed on hunting to allow only guided hunts, generally as required to control wildlife and non-native, invasive species (e.g., wild pigs). See the specific Draft EIR Section 4.4, BIOLOGICAL RESOURCES, text below (page 4.4-118):
Mitigation Measure 4.4-1: Hunting within the project site shall be limited to guided hunts, generally as required to control wildlife and non-native, invasive species (e.g., wild pigs). All participants in any such onsite population management efforts shall be educated in the identification and behavior of the California condor, golden eagle, bald eagle, and prairie falcon, and supervised by a trained hunting guide to avoid any accidental encounter with these species. In addition, non-permitted hunting of any wildlife species shall be strictly prohibited, which will also be subject to enforcement by the project Conservation Managers and trained hunting guides. Pursuant to the lead ammunition ban that was implemented over the entire Tejon Ranch beginning January 1, 2008, only non-lead ammunition shall be used at all times within the project site during hunts of any kind.

In addition, Tejon Ranch Company has recently embarked on an aggressive hunter awareness and enforcement program to ensure that the ban on lead ammunition will successfully contribute to reducing the incidence of lead poisoning to condors and other species. The components of this program, as stated on pages 73 and 74 of Appendix I to Appendix E-1 of the Draft EIR, are summarized below:

• All hunting permittees must acknowledge and sign a notice and agreement that addresses the lead ammunition ban and the protection of the California condor. By signing the agreement, hunting permittees acknowledge that the possession or use of ammunition containing lead is prohibited and that violation of this prohibition will result in immediate expulsion from the Ranch, permanent termination of all future hunting privileges, and liability to TRC and state and federal governments. The agreement also clarifies protections that the condor and other raptors have under state and federal laws, penalties for violations of these laws, and the application of these laws to all hunting permittees.

• All hunting permittees must acknowledge and sign an agreement that defines hunting rules and regulations on Tejon Ranch. The agreement reiterates that the possession or use of ammunition containing lead is prohibited and that violation of this prohibition will result in immediate expulsion from the Ranch, permanent termination of all future hunting privileges, and liability to TRC and state and federal governments. The agreement includes rules and regulations that among other things (1) prohibit shooting at large birds; require that gut piles and carcasses, unless transported off the Ranch or are suspected to contain lead, shall remain in place on the Ranch; require the removal of all litter, trash, and microtrash; and that prohibit any behavior that could be construed as a take of the condor.

• All hunting permittees must acknowledge and sign a hunting permit that reiterates that the possession or use of ammunition containing lead is prohibited and that violation of this prohibition will result in immediate expulsion from the Ranch, permanent termination of all future hunting privileges, and liability to TRC and state and federal governments, and that states that the permit is not valid unless the notice and agreement regarding lead ammunition and protection of condor and the hunting rules and regulations agreement have been acknowledged and signed. The permit also notices that the hunting permittee is bound to all conditions within each of these agreements.

Measures to reduce urban-wildlife conflicts include the following mitigation measures, provided with summaries of the measure. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR for the full text of the mitigation measures.

Implementation of Mitigation Measure 4.4-17 would require that the Property Owner’s Association supplies educational information to residents regarding pets, wildlife, and open space areas, which would avoid and minimize urban-wildlife confrontations.
Mitigation Measure 4.4-18 would provide trail signage and homeowner education regarding special-status biological resources in open space areas, which are designed to avoid and minimize urban-wildlife confrontations.

Mitigation Measure 4.7-18 requires California Department of Real Estate sale documents to include a disclosure of the risks of wildlife encounters in the Project area, and requires that hotel guests receive brochures discussing the risks of wildlife encounters. This mitigation measure will also require the posting of extensive warnings regarding such risks and wildlife avoidance behaviors on trailheads, trail maps, and websites associated with the Project.

The following mitigation measures, with pertinent information summarized below, involve the relocation of species that are found within construction zones. The reader is directed to Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR for the full text of the mitigation measures and Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR, for appropriate text clarification.

Mitigation Measure 4.4-1: Impacts to American badger individuals and wintering and natal dens shall be avoided and minimized during construction activities, which may require trapping and relocating individuals into designated open space. Trapping of American badger will be limited to November 16 through last day of February in accordance with Section 461, Title 14 of the CCR.

Mitigation Measure 4.4-28: Impacts on two-striped garter snake individuals will be avoided and minimized during clearing, grading, and grubbing activities by clearing the area of garter snakes and relocating them to suitable habitat in designated open space.

Mitigation Measure 4.4-33: Pre-construction surveys shall be conducted by the Project Biologist prior to disturbance to determine if Tehachapi slender salamander individuals are present in the disturbance zone. If Tehachapi slender salamanders are located in the disturbance zone, individuals within the disturbance zone shall be captured and relocated to the closest suitable habitat area containing talus.

Mitigation Measure 4.4-34: Pre-construction surveys and avoidance measures shall be implemented for yellow-blotched salamander, coast horned lizard, coast patch-nosed snake, and silvery legless lizard. Pre-construction surveys shall be conducted by the Project Biologist to determine if these special-status species are present. If these species are located in the disturbance zone, then individuals shall be captured and relocated to suitable habitat for the species within the open space.

Wildlife that may wander into resort or residential areas and pose a risk to public safety and property (e.g., black bear or mountain lion), as well as to the animal, will need to be dealt with by the California Department of Fish and Game and/or law enforcement under their standard policies and regulatory authority. Kern County has an agreement with the U.S. Department of Agriculture (USDA) that provides for the assistance of Wildlife Services agents to effectively trap and remove species as authorized in depredation permits from CDFG. If the animal is considered to be a direct threat to public safety, Department personnel or law enforcement will secure the area and locate the animal, and may kill it if necessary. Mountain lions are more likely to pose a direct threat to humans, pets, and livestock, while bears tend to be more a nuisance causing property damage. Generally, taking of black bears is unnecessary if attractants to bears are removed. Such measures are covered by Mitigation Measure 4.4-17, noted above. Depending on the situation, the Department may issue permits to private individuals to control certain animals. Per Title 14 of the California Code of Regulations, Section 401, of Issuance of Permit to Take Animals Causing Damage, under Section 401(a), a person who is a property owner may...
apply to the Department for permit to take elk, bear, beaver, wild pigs, deer, wild turkeys, or gray squirrels that are damaging, or immediately threatening to damage or destroy, land or property. This authority also extends to government employees and designated agents per Section 401(e).

Response 46a R3.

Commentor requests copies of documents, permits and studies relating to the lake. Responses to questions regarding the lake are presented in Global Response 7.5.1, Castac Lake. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The commentor's opinions are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a S3.

In the commentor's opinion, many aspects of the NOP attempt to circumvent CEQA's provision for objective analysis of impacts, and are based on the subjective opinion of the Planning Department Staff or the Project applicant instead of being based in readily available science. Please refer to Response to Comment 46a-N3 regarding the content requirements for an NOP. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a T3.

Commentor states that mitigation must be provided to current area residents for permanent loss of rural lifestyle. It is not anticipated by the EIR preparers that the mountain resort community Project will result in a loss to rural lifestyle, particularly since the Project land plan preserves approximately 80% of the Project site as permanent open space and the Project will continue the ranching heritage with ongoing grazing, equestrian, and other ranching uses. The commentor's opinions are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a U3.

Commentor states that the EIR must assess known ongoing pipeline seepage pollution to wetlands and the water table in the Lebec area south of the post-office because development on the west side of I-5 is a part of the Notice of Preparation. The Project does not include any property west of I-5. Section 4.7 of the Draft EIR confirms that there are no known leaks or spills from any pipelines within the Project site, and also discloses that there has been an offsite leak from the ExxonMobil M-1 Crude Oil Pipeline near the California Highway Patrol facility outside the Project site. This offsite pipeline leak is the subject of an ongoing investigation and cleanup program overseen by the Regional Water Quality Control Board (RWQCB). Because this offsite pipeline leak is not on the Project site, does not affect the Project, and is not impacted by the Project, no impacts or corresponding mitigation measures are appropriate under CEQA.

Response 46a V3.

Commentor requests information about the Trust for Public Lands (TPL) 100,000-acre conservation plan and address management and operation of these lands since public funds are being proposed to purchase this land. Commentor also requests that TRC reveal how it intends to use these purchase price proceeds. The Tejon Ranch Conservation and Land Use Agreement (Ranchwide Agreement), discussed in the Draft EIR (Chapter 3) and summarized in Appendix J-1, includes a comprehensive open space preservation plan and has superseded the TPL 100,000-acre plan under discussion several years ago. The commentor's
opinions are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a W3.

The comment states that Project maps in the Draft EIR should be more specific than those provided in the NOP, including all aspects of each development site and location. While the Draft EIR does contain more detailed maps, due to the more complete nature of the Project now as compared to at the NOP stage, the Draft EIR does not contain detailed maps showing precise development sites and locations. The Project is designed to be flexibly implemented within a defined development envelope, allowing for a certain total number of units within each discrete Project segment while guaranteeing preservation of a certain acreage of open space. Please refer to Chapter 3, Project Description, and Figure 3-11, "Locations of Project Open Area Lands, Private Tejon Mountain Village Open Space & the Proposed Development Envelope," for additional information and maps showing the Development Envelope. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a X3.

Commentor requests the precise location of the Pacific Crest Trail (PCT), including tie-ins to the Project, and states that the EIR must include an analysis of and mitigation for this trail. The Pacific Crest Trail is one of the future public access amenities that is identified in the Tejon Ranch Conservation and Land Use Agreement (Ranchwide Agreement). It is not part of the Tejon Mountain Village Project, nor is it a mitigation measure of the Project. (See also, Responses to Comment Letter 1, United States Department of Agriculture.) The following responses are accordingly offered for informational purposes. The "precise" location requested by the commentor, and tie-ins to the Project, have not been identified. Additionally, the PCT will be required to complete its own NEPA process, and secure all required approvals (e.g., from FWS), prior to finalizing a trail location or trail management requirements. Because the desired location of the PCT traverses critical habitat for the California condor as well as other lands that are subject to the TUMSHCP, future coordination with the TUMSHCP process will also be required. None of these mandatory environmental review or permitting processes has commenced, nor is there any contractual agreement between PCT and TRC or the Tejon Ranch Conservancy for the PCT establishing a trail location or management requirements. The Ranchwide Agreement enhances public access – including the potential future development of a PCT, when and as planned and authorized – to Tejon Ranch. These future proposals for Tejon Ranch are addressed as cumulative impacts in the EIR as and to the extent information is known.

Response 46a Y3.

Commentor requests further information about the election procedures for Tejon Castac Water District directors, and why landowners within the boundaries have not been included in prior elections. Please refer to Response to Comment 46a-Z.

Response 46a Z3.

Commentor requests further information about the County's relationship with TRC in the Tejon Ranch Public Facilities Financing Authority, including the bonding company. Commentor further asserts that county representatives on this Authority must recuse themselves from involvement or decisionmaking about this Project, including potentially the entire Board of Supervisors, under local and state conflict of interest regulation. The Tejon Ranch Public Facilities Financing Authority was established in 2000 as a mechanism to provide funding for infrastructure improvements for the Tejon Industrial Complex project.
The Authority is a joint powers authority formed by Kern County and the Tejon-Castac Water District under the Mello-Roos Community Facilities Act of 1982 as amended (Sections 53311 et seq. of the Government Code of the State of California.) The bond sale is specific to Tejon Industrial Complex. The comment provides no basis for the assertion that there is a conflict of interest for the consideration of the Tejon Mountain Village Specific and Community Plan project by the Board of Supervisors. Conflicts of interest arise when financial interests of individual Board members would be enhanced or impacted by their votes on a matter. The sale of Mello-Roos Bond did not benefit individual Board members but was determined to be an economic benefit to the community for the support of new commercial and industrial development.

Board members act in various regulatory roles such as membership on the Kern County Air Pollution Control District, Kern Sanitary District, San Joaquin Valley Air District and Local Agency Formation District. Such appointments require decision makers to objectively assess the merits of projects that may be owned by a property owner that is the subject of a previous favorable decision. The mere existence of the same property owner, in this case Tejon Ranch Corp as partner with Tejon Mountain Village, LLC, being the applicant for another development project is not a conflict of interest.

Response 46a A4.

This comment states that TCWD will supply water to the Project.

This statement is accurate and is noted for the record.

Response 46a B4.

This comment suggests that only landowners in the TCWD district may serve as TCWD directors.

TCWD is a California water district formed under the provisions of the California Water District Law (Water Code Sections 34000 et seq.). The TCWD will provide water and other services to the proposed Project and currently serves the Tejon Industrial Complex located in the San Joaquin Valley. At all times since its formation, the TCWD has operated in conformance with the Water Code. Director qualifications for a California water district are set forth in Water Code Section 34700, which states that a director may be: (a) a holder of title to land within the district; (b) the legal representative of a holder of title to land within the district; or (c) a representative designated by a holder of title to land within the district. TCWD’s directors are either legal representative of a holder of title to land within the district or representatives of the holder of title to land within the district as set forth in Water Code Section 34700(b)-(c).

Response 46a C4.

This comment suggests that TCWD directors may have a conflict of interest relative to the Tejon Ranch Company.

TCWD is subject to the California Political Reform Act (California Government Code Section 81000 et seq.) and the regulations promulgated in conjunction with the Act. The Act and regulations identify and provide for specific measures that address conflicts of interest that could arise in conjunction with the management of TCWD. In the event that matters before the TCWD’s Board of Directors are determined create a conflict of interest, the TCWD implements appropriate measures, including recusal, as required by the Act and its implementing regulations.
Response 46a D4.

This comment expresses concern that conflict of interest may have invalidated previous TCWD decisions or improperly affected the Tejon Ranch Public Facilities Financing Authority.

As discussed in Response to Comment 46a-C4, TCWD is subject to the California Political Reform Act and the regulations promulgated in conjunction with the Act which govern responses to conflicts of interest. TCWD has and will continue to comply with all requirements of the Act and regulations. In 1999, Kern County and TCWD entered into a Joint Exercise of Powers Agreement (JPA) under the Joint Exercise of Powers Act (California Government Code Sections 6500 et seq.). The JPA established the Tejon Ranch Public Facilities Financing Authority (the “Authority”) to finance public improvements within the Tejon Ranch portions of the County. The Authority is managed by a five-member board comprised of three directors designated by the County and two directors designated by TCWD. The JPA authorizes the Authority to acquire, construct, manage, maintain and operate public improvements, issue bonds or incur other debts and obligations, and establish community facilities districts (CFDs) under the Mello-Roos Community Facilities Act. The Authority has, at all times, complied with all applicable legal requirements, including those pertaining to the operations and management of the Authority. Consequently, there is no basis for an investigation by the California Attorney General, the Kern County Grand Jury, or legal counsel for the District and no basis for including the results of any such investigation in the Draft EIR.

Response 46a E4.

This comment expresses concern that only landowners in the TCWD district may serve as TCWD directors.

As discussed in Response to Comment 46a-B4, Water Code Section 34700 states that a water district director may be: (a) a holder of title to land within the district; (b) the legal representative of a holder of title to land within the district; or (c) a representative designated by a holder of title to land within the district. The Water Code does not limit district representation to landowners in the district. TCWD’s directors are either the legal representative of a holder of title to land within the district or representatives of the holder of title to land within the district as set forth in Water Code Section 34700(b)-(c).

Response 46a F4.

This comment expresses concern that the Kern County Board of Supervisors has appointed certain of TCWD’s directors.

TCWD is subject to the Uniform District Election Law, California Elections Code Sections 10500 et seq. Elections Code Section 10515 provides that when only one candidate files a declaration of candidacy for an office within the prescribed time frame, the “supervising authority” shall appoint that candidate to the office without an election. The Kern County Board of Supervisors is the applicable supervising authority for TCWD. Appointments by the Kern County Board of Supervisors to the TCWD's board have been made in accordance with the provisions of Section 10515 of the California Elections Code.

Response 46a G4.

This comment suggests that future landowners in the TCWD service area should be allowed to run for District board offices and participate in District management, and that the Draft EIR describe TCWD’s future governance and infrastructure construction.
Project infrastructure that would be constructed, operated or managed by TCWD is described in Draft EIR Section 3 and Section 4.16. Election to the District’s board are governed by the provisions of the California Water Code, commencing with Section 35003. These provisions provide that future landowners within the District will be able to participate in District elections and to run for election to the TCWD board should they desire to do so.

Response 46a H4.

This comment expresses concern about TCWD’s interaction with certain state and local health department agencies.

The California Department of Health Services (DHS) was previously the state regulatory agency that oversees water systems. This oversight function was transferred to the California Department of Public Health (CDPH) in 2007. Discussion of DHS water system oversight is not required in the Draft EIR. Since DHS is not the responsible agency for water system oversight, it is also not necessary to discuss the roles of DHS relative to the “Kern County Department of Environmental Health” in the Draft EIR. The California Department of Public Health oversees water systems and maintains records regarding TCWD. The California Department of Public Health system number for the District is 1503341.

Response 46a I4.

This comment states that additional information regarding the area to be annexed by TCWD must be included in the Draft EIR.

Draft EIR Figure 4.16-1 specifically identifies the proposed Project service area that would be annexed by TCWD (see notation in “red” on Figure 4.16-1). Figure 4.16-1 also identifies the portion of the Project area that is already included within the existing TCWD service area (see the “blue” shaded area on Figure 4.16-1) and the existing Tejon Industrial Complex (TIC) portion of TCWD’s service area (see the “green” shaded area on Figure 4.16-1). No Trust for Public Lands (TPL) land will be included in the proposed service area for the Project. As depicted in Figure 4.16-1, all of the Project area will be included in the proposed TCWD boundaries, and the new service area which will include all of the dwelling units, commercial areas and other activities proposed by the Project. Page 4.16-10 of the Draft EIR states that the existing TCWD boundaries will be expanded to include the portion of the Project that does not currently lie within the TCWD boundaries. The Draft EIR further states that the annexation would occur after the EIR is certified by Kern County, and that any such annexation would be subject to LAFCO approval. No new entity will be created to provide water service for the Project.

Response 46a J4.

This comment addresses concerns related to potential Project impacts to local groundwater, the use of “TRC consultant” studies or the TCWD urban water management plan (UWMP), and the revision of state and other groundwater information in conjunction with the Draft EIR.

No groundwater, including groundwater resources in or near the Cuddy Valley, will be used for Project purposes. As a result, the Project will not affect Cuddy Valley groundwater conditions, will not cause or be responsible for disruptions of Cuddy Valley groundwater supplies, the local water table or cause other groundwater impacts. In addition, as stated in Global Response 7.5.1, Castac Lake is not part of the Project. No lake water will be utilized by the Project. The Project will not use groundwater or lake water to meet any of its water demands. Under these circumstances, it is inappropriate to implement any form of Project indemnity or requirement to supply water to local users outside of the Project area in the event that future groundwater supplies are insufficient to meet non-Project demand. The following actions are
also not relevant to, or required by, the analysis of the Project under CEQA because the Project will not use groundwater or lake water: (1) revise DWR Bulletin 118 and analyze lake “expansion” for inclusion in the Draft EIR; (2) analyze pumping and drawdown information related to groundwater that may have been conducted by Tejon Ranch Company (TRC), TRC consultants or the California Department of Health Services (DHS); (3) request that DHS and the Kern County Water Agency assess local groundwater and regional water supplies in the context of the Project Draft EIR; and (4) request that pisometer and other groundwater data be disclosed in conjunction with the Project Draft EIR. As discussed in Response to Comment 25-R10, the UWMP was not utilized in the preparation of the Project’s water supply assessment (WSA) and the Draft EIR. The UWMP is not relevant to the Project’s water supply analysis. As discussed in Response to Comment 25-Q10, the Water Code and pertinent case law makes clear that the Draft EIR analysis must reflect the lead agency’s independent assessment of the availability of the Project’s water supplies (see California Water Impact Network (CWIN) v. Newhall County Water District Case no. B197570 (California Court of Appeals, April 2008) (When “a lead agency requests a water supplier prepare and adopt a WSA for a particular project, the water supplier’s duty in so doing is defined and set-forth in detail in Water Code sections 10910 and 10911. As described elsewhere, the water system provider most likely to supply the project must evaluate and prepare an assessment of whether the water supplies will meet the projected needs of the project, and if the water supplier determines that water supplies are not sufficient, the water supplier must describe its plans for acquiring additional water supplies …[T]he WSA is…a technical, informational, advisory opinion of the water provider. Though the WSA is required by statute to include an assessment of certain statutorily identified water supply issues and is required to be included in the EIR, the WSA’s role in the EIR process is akin to that of other informational opinions provided by other entities concerning potential environmental impacts—such as traffic, population density or air quality….Once the WSA is approved by the water provider’s governing board the WSA is submitted to the lead agency. The lead agency may then evaluate the information included in the WSA. (Wat. Code, § 10911, subd. (c).) The power to “evaluate” [the] WSA necessarily invests the lead agency with the authority to consider, assess and examine the quality of the information in the WSA and endows the lead agency with the right to pass judgment upon the WSA. While the lead agency must include the WSA in the EIR, the lead agency is not required to accept the WSA’s conclusions. The lead agency may in evaluating the WSA accept or disagree with the water provider’s analysis or may request additional information from the water provider [footnote omitted]. In any event, the lead agency is required by statute to make the ultimate determination, based on the entire record, whether water supplies are sufficient. (Wat. Code, § 10911, subd. (c),)” The EIR conclusions regarding Project water supplies reflect the County’s independent judgment as required by the Water Code and the CWIN decision.

Response 46a K4.

This comment expresses concern about “transparency,” and preservation and protection of certain water-related resources due to the Project’s “vast impact” on groundwater supplies.

As discussed in Response to Comment 46a-J4, the Project will not use or impact groundwater. Consequently, an assessment of potential impacts to groundwater related to Project use is not required by, or relevant to, the Draft EIR. Potential surface water and other drainage-related impacts to groundwater are addressed in Draft EIR Section 4.8 and are mitigated to less than significant levels. The proposed Project’s protection and preservation of water resources is addressed in Draft EIR Section 3, Section 4.4, and Section 4.8 and the Tejon Mountain Village Specific Plan attached as Exhibit B to the Draft EIR. As discussed in Responses to Comments 46a-B4 through H-4, TCWD has and will continue to comply with all pertinent provisions of the California Water Code, the Political Reform Act, the Government Code, the Elections Code and any other legal requirements related to water district governance and management, including provisions related to transparency.
Response 46a L4.

This comment states that TCWD is required to submit a water quality, quantity and financial report to all District landowners and that the “CFD” must provide public notice and access and report on certain financial issues.

TCWD is not supplying water to the proposed Project at this time because the Project has not yet been approved or constructed. Under these circumstances, the TCWD is not required to provide reports to landowners in the Project area. TCWD annually prepares a water quality report (also referred to as a Consumer Confidence Report) in accordance with California Health and Safety Code Section 116470 to current water customers of the TCWD. (California Water Service Co. 2008) No financial report is required in conjunction with a Consumer Confidence Report under California law. However, the TCWD is a public agency, is regularly audited, and the audit results are filed with the Kern County Auditor’s office and the State Controller’s Office. The comment makes reference to the need for a “Board of Directors” and public access and hearings for the “CFD.” This comment appears to refer to the Tejon Ranch Public Facilities Financing Authority which has been authorized to establish CFDs (see Response to Comment 46a-D4). The Authority has and will continue to comply with all applicable laws and regulations. To the extent the comment may refer to TCWD, the TCWD holds regular noticed public meetings in compliance with the provisions of the Brown Act (California Government Code Sections 54950 et seq.) relating to public notice and access. The comment also makes reference to a “summary” that should include “a report” on the text included in comment 46a-M4. To the extent the reference to a “summary” refers to the District’s Consumer Confidence Report, California Law does not require that a Consumer Confidence Report discuss or consider the issues referenced by comment 46a-M4. To the extent that the comment refers to a CFD established by the Authority, the information excerpted in comment 46a-M4 is not relevant to the Draft EIR analysis of the Project.

Response 46a M4.

This comment excerpts certain statements from an unidentified “Note D” regarding the Tejon Ranch Public Facilities Financing Authority. Commentor does not provide sufficient information, or any specific comments on the Draft EIR or the Project, for a substantive response. The comment is nevertheless noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a N4.

Commentor requests further information about the County’s relationship with TRC in the Tejon Ranch Public Facilities Financing Authority, including the bonding company. Commentor further asserts that county representatives on this Authority must recuse themselves from involvement or decisionmaking about this Project, including potentially the entire Board of Supervisors. under local and state conflict of interest regulation. The Tejon Ranch Public Facilities Financing Authority was established in 2000 as a mechanism to provide funding for infrastructure improvements for the Tejon Industrial Complex project. The Authority is a joint powers authority formed by Kern County and the Tejon-Castac Water District under the Mello-Roos Community Facilities Act of 1982 as amended (Sections 53311 et seq. of the Government Code of the State of California.) The bond sale is specific to Tejon Industrial Complex. The comment provides no basis for the assertion that there is a conflict of interest for the consideration of the Tejon Mountain Village Specific and Community Plan project by the Board of Supervisors. Conflicts of interest arise when financial interests of individual Board members would be enhanced or impacted by their votes on a matter. The sale of Mello-Roos Bond did not benefit individual Board members but was
determined to be an economic benefit to the community for the support of new commercial and industrial development.

Board members act in various regulatory roles such as membership on the Kern County Air Pollution Control District, Kern Sanitary District, San Joaquin Valley Air District and Local Agency Formation District. Such appointments require decision makers to objectively assess the merits of projects that may be owned by a property owner that is the subject of a previous favorable decision. The mere existence of the same property owner, in this case Tejon Ranch Corp as partner with Tejon Mountain Village, LLC, being the applicant for another development project is not a conflict of interest.

Response 46a O4.

Commentator states that he is in possession of a previous development proposal map related to Tejon Mountain Village, which shows substantial differences and much more extensive development. Commentor requests clarification as to which map is correct in the short and long term. Although the map to which commentor refers is not provided, and is not known, the Project is accurately described in the Draft EIR, and the Project-level Figures in the Draft EIR include all phases of the Project.

Response 46a P4.

Commentor quotes a former TRC employee as criticizing a prior report regarding the Project that had been prepared by the commentor. The report is not provided by commentor. The commentor's opinions are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a Q4.

Commentor states that all cumulative impacts created by this and other TRC-affiliated projects must be mitigated, reviewed and coordinated with Los Angeles, Ventura and Kern County on a cooperative, regional analysis basis. The Cumulative Impacts methodology used in the Draft EIR is described in Section 3.7 of the Draft EIR, and complies with CEQA. The responsible agency coordination and communication process is described in Section 2.6 of the Draft EIR. The process suggested by commentor is not consistent with CEQA. The commentor's opinions are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46a R4.

The comment notes that all cumulative impacts for the Project and other "companion, affiliated TRC projects" must be mitigated, reviewed and coordinated between Kern, Los Angeles and Ventura counties. CEQA provides for a comprehensive environmental review of cumulative impacts from reasonably foreseeable future projects and growth, as described in Section 3.7 of the Draft EIR. Los Angeles and Ventura counties were provided copies of the Draft EIR, and Ventura County submitted a comment letter (Letter 19) on the Draft EIR. Commentor does not specify the nature of the "coordination" desired between the three counties, but the process that has been implemented complies with all applicable legal requirements.

Response 46a S4.

The comment lists a number of perceived inadequacies in the Project NOP, including inadequate discussion of nearby projects that might add to Project cumulative impacts. As noted in Response to Comment 46a-G2, the Draft EIR contains a detailed discussion of nearby projects and potential cumulative impacts. The comment also states that impact analyses and studies from earlier environmental
review documents for other projects have been re-used in the Draft EIR, resulting in an incomplete analysis in the Project NOP. Please see Response to Comment 46a-N3 regarding the sufficiency of the NOP. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a T4.

As a result of the deficiencies identified in Comment 46a-S4, commentor believes the NOP should be invalidated and re-issued. Please see Response to Comment 46a-N3 regarding the sufficiency of the NOP. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 46a U4.

The comment contains quoted excerpts from Appendix G to the CEQA Guidelines, Environmental Checklist Form. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 46b

Craig Murphy - Fw: Gorman S.D./Charter School Presentation

From: "Internet Outdoors Url." <shopoutd@kynet.com>
To: <loreleiO@co.kern.ca.us>, <murphyC@co.kern.ca.us>
Date: 07/15/2009 7:45 AM
Subject: Fw: Gorman S.D./Charter School Presentation
CC: <planning@co.kern.ca.us>, <TedJ@co.kern.ca.us>, <JimE@co.kern.ca.us>, <gehamber@bakersfieldcollege.edu>

The following is for your review in terms of optional-educational planning and distance learning opportunities for new students from Tejon Mtn. Village and Frazier Park Estates, as well as existing families in our region. We had an excellent discussion with the Gorman School District Superintendent and their school board yesterday and are pursuing additional coordination with Kern High School District, Arvin High, El Tejon School District, Antelope Valley High School District, Insight Schools, AV College, Ventura College, Bakersfield College, MIT and other resources. Each of them have received this summary.

We envision a centralized public-outreach, administrative, check-in, student/class/varsity interchange and partial computer lab facility, but the majority of all activities would be conducted online, similar to what many colleges & universities and Insight High School are doing.

We will keep you informed on our progress but are confident that at least a startup concept of this program will be available for the upcoming academic year. I do understand that this summary is to you beyond the deadline for comments on these projects, but felt it was important that you knew, so you could include this info in the project packages and summary for your hearings. Any thoughts that you have on this would be greatly appreciated. Thanks. Lloyd Wiens

Email to Kern HSD board of trustees and the principal of Arvin HS:

---- Original Message ----
From: Internet Outdoors Url.
To: board@khsd.k12.ca.us
Cc: bcavace@khsd.k12.ca.us
Sent: Wednesday, July 15, 2009 7:18 AM
Subject: Fw: Gorman S.D./Charter School Presentation

For your info. This proposal would offer distance learning opportunities for new students and residents at the currently-proposed Tejon Mtn. Village. If you would like to meet with us to discuss our planning for this concept sometime in the near future, please let us know. Thanks!

Lloyd Wiens 661-245-2228

---- Original Message ----
From: Internet Outdoors Url.
To: shopoutd
Sent: Tuesday, July 14, 2009 3:22 PM
Subject: Fw: Gorman S.D./Charter School Presentation

The following is a copy of a distance learning/local satellite campus facility proposal that was presented to the Gorman Elementary School District School Board today for preliminary discussion and idea-exploration. A more complete proposal and follow-up details will be presented at next month's meeting after coordination with other entities.

file:///C:\Users\murphy\AppData\Local\Temp\XPgpwise\4A5D8908RMARMAP1001... 07/20/2009
Gorman Online Charter High School & Community College Distance Learning Campus/Facility Proposal

"Serving Students & Families in A Contemporary, High-Tech Educational Environment"

Today, we would like to introduce your district to an exciting new mission and concept for a different approach to individualized local education and distance learning. The following are items to consider, and we have provided you with this outline and a few attachments, weblinks to review and will leave you with a few thoughts to consider for future discussion. If possible, we would like to be placed on your agenda for next month’s meeting for a more thorough discussion, after you have had a chance to review these items. Interfacing with several online opportunities would offer many options for student learning through a new guidance facility that would be located at Gorman School.

This diverse, futuristic entity would be structured thru the Gorman S.D. and/or Gorman Charter School, in cooperation with other entities shown below, and would be available to new residents and students at Centennial, and other new local communities as well.

Key Points:

It's time to consider new approaches to secondary education that mesh with what students are doing when they get to the community college or university level—emphasizing online and distance learning. Such instruction is not currently offered locally. Several options are now available that can be meshed with your current individualized instructional programs and learning-emphasis policies.

Options:

High School:

1. Insight School, thru Antelope Valley UHSD, is an online local high school diploma program. Insight Schools, Inc. operates the nation’s largest national network of full-time, diploma-granting, public online high schools. [http://insightschools.net/losangeles/index.asp](http://insightschools.net/losangeles/index.asp) is the online address for the LA, Ventura & Kern Counties-area school. We will be meeting with their Administrator on July 29 to get more details and coordinate options.

Although direct online learning is primary, we believe that regular, weekly student/overseer meetings and interchange are important and suggest an on-site facility for doing so.

Insight School of California - Los Angeles is accredited by the Western Association of Schools and Colleges as well as the Northwest Association of Accredited Schools. Insight Schools itself is a national organization, offering similar programs throughout the country. [http://www.insightschools.net](http://www.insightschools.net). Over 12,000 students are enrolled nationally.

From their website: “Insight Schools is a subsidiary of the Apollo Group, as is University of Phoenix, North America’s largest private university and the leader in post-secondary online education. Insight taps into the vast resources of University of Phoenix for course development, learning technologies, and school administration. We also make use of their campuses for school meetings and get-togethers. And, in
some states, we offer our students dual high school/college credit courses through Axia College’s Pathways program. Students are guaranteed admission into Axia College of University of Phoenix when they complete their Insight Schools high school education. And, in some states, we offer our students dual high school/college credit courses through the Axia College Pathways program.

We provide all the expertise and resources necessary to get a full-time, online public high school up and running in your community. Insight Schools partners with local school districts and other community organizations to build and operate a complete high school. Our local partners authorize and govern the school, while we supply the resources, expertise and operational management.”

Insight’s School Accountability Report Card Reported for School Year 2007-08 Published During 2008-09: http://insightca.net/losangeles/school_account.asp Approx. 139 students are currently enrolled in the AVUHSD program. Program Highlights:

- Experienced, state-certified teachers
- A dedicated adult iMentor working with you and your parents to help you succeed in an online learning environment
- Academic counselors offering career counseling and college placement services
- Interactive virtual classroom sessions including one-on-one student-teacher meetings, live instructional sessions, a national speaker series and more
- A proprietary Web-based study skills center with written and video study aids
- iThrive Resource Center, which goes beyond academic support to include a wide array of essential services – from employment assistance and summer recreation activities to crisis counseling and other social services
- 24/7 on-demand academic tutoring when a teacher is unavailable
- A special education team, when appropriate

Gary Allen is the tech director for AVHSD for more info on Insight tech coordination:
gallen@avhsd.org

Additionally, as stated above, Insight is an affiliate of the University of Phoenix; higher learning is available thru them.

As we all know, distance learning is now a key component of post-secondary education; GSD can participate in sponsoring and overseeing such a program locally. Should your district choose to offer these programs, we would be willing to coordinate further with them.

http://www.friedmanfoundation.org/newsroom/ShowAdvocateList.do The Friedman Foundation offers informative articles on the value of school choices and research projects they have conducted by state, etc. The Transformative Properties of School Choice is an article everyone should read in their current issue of “The School Choice Advocate” magazine.
Comment Letter 46b, Cont.

We also suggest exploring an opportunity to offer post-secondary learning resources, guidance and oversight at the facility and remotely, through the Antelope Valley Community College, Ventura and Kern Community College Districts. California Community Colleges Distance Learning Guidelines and information can be seen online at http://www.cvcc.edu/2008/08/california-code-of-regulations-title-5-distance-education-guidelines-2008-omnibus-version/.

2. Expense reductions - Distance learning offers huge administrative and operating-expense savings to school districts. Insight school administrative savings are sufficient to provide a free laptop & printer to each student.

3. Students learn at their own pace; Academic Achievement is substantially higher.

4. Advanced science, engineering math programs are available thru MIT; they offer free home-based online tech instruction, electronics, physics etc. for high school students. See http://ocw.mit.edu/OcwWeb/hs/home/home/index.htm for more info. Interfacing with their program for science/engineering-oriented students could occur at the same facility. We have an individual who would be interested in helping coordinate this aspect, and he has people at Edwards and in AIAA http://www.aian.org/ and other locales that are interested in participating in developing an enhanced local advanced distance-learning program for these students. AIAA is an excellent grant resource for these programs.

5. We will investigate ADA & property tax monies availability for on-site learning. Additional AVUHSD and AVCCD property taxes & funding should be available to GSD for startup/management & a distance learning-coordinating facility. None of those tax dollars are currently used in or for our area.

6. Teacher-guided on a regular basis at facility, once-weekly or ??

7. High tech- labs, etc. are available thru Insight.

8. We have an existing large pool of home-schooled or distance learning students to offer these programs and facilities to.

9. 120 Online courses are offered by Insight. Offer further tuition- or guidance fee-based concepts?

10. Eastern Sierra Academy in Bridgeport is another similar school that you may wish to take a look at. Info is pasted below.

11. Charter the current GSD Charter School with Insight direct?

Other notes:

Fred Rose can give you his experiences on Independent study academic achievement.

Meshe with your current teaching program

College prep, 21st Century Approach to Education

Encourages homeschooler participation and supports district home-education independent study

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programs.

Attachments:

Insight school introduction from the internet

Summary on the benefits of a similar program offered by Bakersfield College, from one of our local student's online learning participation.

Calif. Community College System Distance Learning Program briefer.

Important links:

LA County Insight School's home page: http://insightca.net/losangeles/index.asp

Course Demos: http://www.insightschools.net/virtual_tour.aspx

FAQ's:

http://insightca.net/losangeles/faqs.asp

Upcoming info sessions in the next two weeks or recorded online information session:

http://insightca.net/losangeles/info_sessions.asp

Accreditation: http://www.insightschools.net/accreditation.aspx

Examples of distance learning success stories:

Eastern Sierra Academy in Bridgeport, Calif. is one of the top rated charter schools in the nation. http://easternsierra.ca.schoolwebpages.com/education/school/school.php?sectionid=6&

Worth contacting? From their website: ACADEMIC EXPECTATIONS

1. Students are expected to attend class regularly and on time.

2. Students are expected to participate 100% of their time in class.

3. Students are to come to class prepared each day with appropriate materials and completed work.

4. Students are to respect the rights and property of others.

5. Students are to take special care of all school property and materials at their disposal.

6. Students will put in the time required to be successful at each subject.

Distance learning:

http://easternsierra.ca.schoolwebpages.com/education/components/doemgr/default.php?
At Eastern Sierra Academy we have a very unique opportunity to participate in distance learning. This provides each one of our students many curricular choices that would otherwise be unavailable to them in our small district.

The distance learning program has undergone some significant changes in the past years. All classes will be conducted online over the internet individually. Although these classes will move at an individual pace, each student will be expected to be working on their distance learning class during the scheduled period. Students may not use their distance learning period for a "free period" or homework make-up. Spanish classes will be taught by a classroom teacher.

Each student is individually registered in the class of their choice. A subscription fee is paid to the distance learning provider for this service for the entire year. Then we incur a per student fee for each class that the student is enrolled in. This money comes out of our school's yearly budget. The add/drop policy is very clear as to the date a student must drop a class in order for the school to receive a refund. No student has ever dropped a class in time for our school to receive a refund. We are letting you know this because you must be absolutely sure about your class choice.

There is a facilitator in each distance learning class. The facilitator's responsibilities are to keep track of student's daily attendance, homework, and class participation. Each time a student logs on to USDLC to participate in class, the program will keep track of the students' activities and grades, the class facilitator will have access to each student's progress. The class facilitator will also keep track of each student's grades in our grading program so that parents may receive a bi-weekly grade check.

Each student has responsibilities of their own. They are required to come to class every day prepared with their books, paper, and writing instruments and any homework that was required from the previous day. Students will be required to use the period assigned to them as distance learning.

In order for us to maintain a successful learning environment for our distance learning classes the following policy must be in place.

1. Students are required to come to class prepared.

2. Students are required to use the period assigned as distance learning to complete that day's work requirements.

3. Students may contact the USDLC offices at any time that they have questions or need extra help. This must be done via e-mail.

GRADES - Students will be issued academic grades. The academic grade will either be an "A", "B" or not passing. Each student will have to completely master each course before they can move on. Upon completing a course, the student will receive 10 units of credit. Progress reports will be sent home every two weeks. Semester grades will be given so that student and parent can see the progress being made. Students and parents will also be able to check grades online. Any student receiving three "C"s per semester or four their entire Academy career will have to be enrolled at another school. Please be aware that "C"s are only transferable with credit at the quarter, and are not transferable at the semester. "C"s will be considered passing in AP and Honors classes.
Comment Letter 46b, Cont.

The Wall Street Journal http://online.wsj.com/article/SB124605614478863441.html#printMode :

Charter Schools Win a High-Profile Convert ; Boston's mayor risks the ire of the teachers' unions. By JON KELLER Boston

* JUNE 27, 2009

Tom Menino, the longtime Democratic mayor of this city, is not known for rocking the boat or for eloquence. But earlier this month he stunned many in the city when he gave a powerful speech about school reform. The speech took aim at the lack of progress in dozens of low-performing, inner-city Boston public schools, many of which have not met adequate yearly progress for five years running.

"To get the results we seek -- at the speed we want -- we must make transformative changes that boost achievement for students, improve quality choices for parents, and increase opportunities for teachers," Mr. Menino said. "We need to empower our educators to quickly innovate and implement what works." With that, Mr. Menino abandoned nearly two decades of personal opposition to nonunion charter schools, which have been bitterly resisted by Massachusetts teachers unions and their political allies. "I believe that the increased flexibility that charters provide can . . . help us close the achievement gap," he declared.

"Betrayal," cried the Boston Teachers Union on its Web site, decrying the "glee" with which Mr. Menino's "sudden turnaround" was greeted by "anti-public school and anti-tax zealots." That's a typically hyperbolic reference to Massachusetts' growing legions of charter-school supporters, an ideologically-diverse group that includes the Boston Globe's liberal editorial page, a bipartisan group of state officeholders who've funneled
billions in new revenue into the public schools, and at least 13,000
pro-charter Boston taxpayers -- the 5,000 families with children in charter
schools and 8,000 on waiting lists to enroll.
But the inflammatory rhetoric of the Boston Teachers Union reflects the
alarm triggered by Mr. Menino's speech. "He has really thrown down the
gauntlet to the union," notes Linda Brown of the charter-school support
group Building Excellent Schools. "He's responding to an enormous
overcurrent and undercurrent of public pressure over the fact that nothing
is changing in too many schools. He's used his political acuteness to see
there's a perfect storm."
What flashed on Mr. Menino's radar screen so urgently? Political pressure,
most notably from the Obama administration, which has explicitly linked
charter-school expansion with access to $5 billion in new education reform
funding.
"States that don't have the stomach or the political will, they're going to
lose out," Education Secretary Arne Duncan told the Associated Press
recently. "That's $5 billion, b-i-l-l-i-o-n, up for grabs," moaned Mr.
Menino in an interview with me. "I've gotta sit here sucking my thumb
because I can't get reforms?"
Credit pride and anger for Mr. Menino's change of heart as well. While he is
a prohibitive favorite to win a fifth term this fall, two of his challengers
have pointedly endorsed charters and needled him on the lingering failures
of many city schools. His palpable embarrassment over his inability to
overhaul Boston's schools is compounded by the sight of -- in his view --
lesser cities forging ahead with uncapped charter growth.

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Mr. Menino tried to accommodate union resistance to charters by experimenting with unionized "pilot" schools that allow limited managerial flexibility in making personnel and budget decisions. But those experiments are failing to improve education and unions remain opposed to charters.

"The straw that broke the camel's back," Mr. Merino told me, came when a principal of one of the struggling school accepted a grant from ExxonMobil to give teachers small bonuses when their students excelled. The unions "took us to arbitration," Mr. Menino said, essentially killing the bonuses. So for good measure the mayor included a call for merit pay in his blockbuster school-reform speech. "Every time we try to do a reform they stop it."

Vestiges of Mr. Menino's anticharter past and his cautious political instincts remain. He wants to convert 51 failing public schools to "in-district" charters under the control of the city. Initially these schools will be nonunion, but unions may be able to organize their teachers down the road. Still, if results don't improve or the unions block his plan, Mr. Menino vows to lobby for lifting the state's restrictive cap on the number of "pure" charter schools. "Charters are a vehicle to get the reforms we need," he says.

Resistance in the state legislature to charter expansion is already wearing out the patience of even sober civic leaders like Paul Grogan, president of the Boston Foundation, a large private philanthropy. Creating more charters "couldn't be a more urgent matter," he told a legislative committee recently, adding that further delay "borders on criminal."

The Boston Foundation recently released a study noting that students admitted to charter schools were doing much better than the children they
left behind in regular public schools, and better than students in those pilot schools that the mayor supported. The report found, for example, that students in pilot schools did not improve above regular public school students in eighth grade math. Charter-school children vastly improved their scores.

With Mr. Menino now pressing for more charters, Democratic Gov. Deval Patrick could soon be under tremendous pressure to do more than pay lip service to the idea. The governor has so far professed support for charters, then supported policies that hamstrung them. For example, he has called for easing caps on charter schools -- but only in the worst-performing districts and with restrictions that force them to toss aside the lottery system they use to select students and instead adopt quotas for special education and English-as-a-second-language students.

It's unclear if such charter policies will meet Mr. Duncan's federal-funding smell test. It definitely doesn't satisfy Ms. Brown of Building Excellent Schools. "He cannot keep kicking popular opinion and political sanity aside," she says.

For Mr. Patrick, whose poll ratings are sagging low enough for some to wonder if he can win re-election in 2010, all of this has to be worrisome. The pro-charter rhetoric from Mr. Menino -- who is usually ranked alongside Sen. Edward Kennedy as the state's most popular politician -- is a flashing warning light. He can continue to cave into the teacher unions. Or he can get in line with demands of the Obama administration and offer unqualified support for charter schools. Mr. Menino, for one, is already well down that path. He says that his own children are
Comment Letter 46b, Cont.

eyeing Boston charter schools for two of his grandchildren next fall.
Comment Letter 46b. L. Wiens (July 15, 2009)

Response 46b A.

Thank you for your comment. The comment from Mr. Weins describes an optional educational and distance learning opportunities for new Project students at Tejon Mountain Village and Frazier Park Estates, and for existing students in the community. The Draft EIR evaluated school districts and related educational issues in Chapter 4.13, PUBLIC SERVICES. These distance learning opportunity comments are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46b B.

Please refer to the Response to Comment 46b-A.

Response 46b C.

Please refer to the Response to Comment 46b-A.

Response 46b D.

Please refer to the Response to Comment 46b-A.

Response 46b E.

Commentor forwards a copy of a distance learning/local satellite campus facility proposal that was presented to the Gorman Elementary School District Board. These comments are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 46b F.

Please refer to the Response to Comments 46b-A through E.
July 12, 2009

Delia ‘Dee’ Dominguez
115 Radio St
Bakersfield, CA 93305

Craig M. Murphy
Kern County Planning Department
Public Services Building
2700 "M" Street, Suite 100
Bakersfield, CA 93301-237

Mr. Murphy:

I am writing to express my concerns with the Kern County Tejón Mountain Village and Frazier Park Estates Draft Environmental Impact Reports. I am writing in the capacity of a concerned citizen with strong ties to the Tejón Ranch property, a Most Likely Descendant (MLD) for Kitanemuk & Yowlumne Yokuts Indian Tribes, and as the Chairwoman of the Kitanemuk & Yowlumne Tejón Indians.

The TMV-DEIR does not adequately consider the indigenous settlements for the entire Tejón Ranch area, and in particular the "CEQA Development Envelope" around Castac Lake, despite the presence of well-documented sacred sites of important cultural significance to the indigenous people.

The DEIR does identify a few sites, but does so incoherently. Instead of identifying villages by their name and addressing their individual significance, every "archaeological site" is grouped together and their identity is hidden by use of a number code. See pp. 4.5-22 through 28. Using numeric identifiers makes it simply impossible to know if the many villages and sacred sites around the Castac Lake site are the ones identified in the DEIR. This is a critical problem with the DEIR that renders the protection of cultural resources a guessing game at best and a clear disrespect for the sacred sites as well. Relying on numbers of the sites also allows for random mis-classifying Indian settlements as "prehistoric camps" or "bedrock mortar station" when there is no means to verify the actual contents of that site. I object, however, to calling villages, settlements, and/or burial sites "prehistoric camps" since they were clearly of greater significance than camps and require additional protection as such. In determining the true significance, then, we are forced to rely on the word of the Ranch, the very ranch that kicked the Indian People off in the first place.

Even the few sites that the DEIR identifies are provided with insufficient mitigation measures. In particular, the use of textile matting and fill in order to build over sacred sites is particularly troublesome; this practice is noted repeatedly in the DEIR. Without independent analysis of these sites beyond the fictional group used by the Ranch,
there is no way of knowing if the mitigation suggested is either appropriate or actually practiced.

**Indian Settlements**

My ancestors lived in long-established settlements in many of the canyons surrounding Castaic Lake, and evidence of their settlements remain throughout the area. Generally speaking, Chumash Indians lived in the vicinity of Kashiq (now underwater because of Lake expansion), while the Kitahemuk and Yowlumne tribes lived in the canyons east and north of the lake. General Beale forced all of these tribes to move to present-day Tejon Canyon, which made it the last Indian settlement on the property. The U.S. Government actually sued Tejon Ranch for this forced removal of Kitanemuk, Yowlumne and Chumash.

Because Tejon Ranch has historically blocked access to the property by MLD’s such as myself, many of these settlements have not been officially identified. However, in my research in preparing a petition to the Bureau of Indian Affairs for Federal Recognition, I have reviewed the depositions taken by archaeologist (and translator) J.P. Harrington in 1922, on behalf of the U.S. Government, in its suit against Tejon Ranch for the forced removal of the Indians. The depositions are from Indians who were themselves moved from the canyons on the Westside of the Tejon Ranch property to the canyons to the East of the valley floor. The final removal was to the last canyon at the end of the canyon floor- Tejon Canyon/Creek. They were 70, 80, 90, and over 100 years old. Each one of them spoke of where they were born, where their parents were born, where they hunted, fished, gathered acorns, berries, pine nuts, described the elk drives on the plain all the way to Kern Lake, and many other things and places they named in their native languages, Kitanemuk, Yowlumne, Chumash, including Castaic Chumash. These included Eugenia Mendez, who was my Great, Great, Great Aunt who lived on Paso Creek at the Huerta de Arribe, as did my Great, Great Grandmother Magdalena Olivas, my Great Great Step-Grandfather Jose Juan Olivas, my Great, Great Uncle Juan Dionisio who described our travel to Cuddy’s Ranch, Frazier Mountain, and Pinos Mountain to gather pine nuts, my Great, Great Step Grandmother Maria Chololo, Juan Colaco, a member of the Kitanemuk Tribe, and many others. All of them aware of the land surrounding Castaic Lake.

The presence of Indian villages and sacred sites in the Castaic Lake area are likewise documented in sources outside of these depositions, in such older works as the pioneering and well-preserved archaeology studies of J.P. Harrington (also the translator for the above depositions), as well as in Frank Latta’s period biography of Jorge Jesus Lopez. Newer works documenting these sites include in the local “Ridge Route” chronicles of Bonnie Keeter Kane (see, e.g., Volume 1, page 8), and the archaeology as those of Jennings and Joan Johnson’s 1978 article, The Trail to Kashiq. Johnson’s Kashiq article in particular notes the “pattern of placement” of the villages, and that archaeologist Kroeber (1953) determined that the canyons surrounding the lake were named after villages in the mouth of those canyons.
archaeologist Kroeber (1953) determined that the canyons surrounding the lake were named after villages in the mouth of those canyons.

Sacred Burial Sites

I am very familiar with Castac Lake. Currently I am 58 years old, and was born and raised in Bakersfield, California. As an adult I lived in and around Covina, California for about 25 years, and traveled home to Bakersfield 2-3 times every month to visit my mother, father and relatives driving over the ridge to arrive to Bakersfield. In doing so, I observed the lake often in every season of the year, Spring, Summer, Fall and Winter. The lake had water after the winter snow melt, and the water gradually disappeared by summertime, leaving only a white circle where the water had pooled. A few years ago, I observed the lake getting bigger and bigger with more water in it than I had seen in my lifetime. I knew it was not a normal occurrence and came to learn that the Tejon Ranch had artificially filled the lake beyond its normal capacity and beyond its natural shoreline. When I had been called to visit the Tejon Ranch property in September 2001, I was advised by the Ranch representatives that the original road from Hwy 5/99 on the north shore of Castac Lake was underwater due to the enlargement of the lake.

Since the Indian Village of Kashiq is on the north shore, it too is underwater. How this has happened in an environmentally sensitive area affecting all surrounding communities must be adequately investigated and satisfactorily resolved. This is particularly so since a village like Kashiq would have necessarily had a sacred burial site nearby, which has also been presumably flooded, in clear violation of state and federal laws.

Problems With Tejon Ranch Treatment of Sacred Burial Sites

As an MLD on the list with the State of California, Native American Heritage Commission, I was called upon by Rob Wood of the NAHC to visit the Tejon Ranch property in September 2001 when the ranch had damaged a single burial during their excavating activities for seismic testing. The location was ¼ mile east of Castac Lake. The archaeologist of record was Dave Whitney, and the Chumash on site monitor was Richard Angulo, from Ventura.

On arrival, I observed a trench 75 yards long, and 20 feet deep. The burial referred to was actually 2 burials in the eastern wall with a burn area referred to as a hearth estimated to be 2,000 years old. The graves were 6 to 9 feet from the top of the trench, and were close together in proximity. In addition were bones scattered inside the trench and bones scattered over the top of the trench where the bulldozer had dropped the soil excavated from both sides of the trench.

I have several concerns regarding this specific site.

1) Due to the large number of bones widely dispersed, was this an actual cemetery?

2) If it was a cemetery, it had been plundered prior to my visit;
3) Or, it was a dumping site for isolated burials or cemeteries found elsewhere on the Tejon Ranchlands.

4) I had been advised at that time that an archaeologist and an on-site monitor had been at the excavation site at the time of the excavation. If this was true, this should not have happened. At the moment a burial is encountered, all work should have stopped, the State of California, Native American Heritage Commission and the Kern County Coroner should have been notified immediately.

From my observation, not a single funerary item was scattered with these bones. This is not normal. Indian people like any other people bury their family member with momentos, special items of the deceased, and in that time period, clam shell beads, and if a person holding a high position, they were buried in special regalia. I observed none of these. The day the trench was filled in, I told Andrew Daymude to add an additional cover of soil over the site, and not to build a house or any other building on the site, which means ‘complete avoidance’.

Misuse of “Tejon Indians” To Verify Practices

The DEIR repeatedly reference Tejon Ranch’s reliance on the ‘Tejon Indians’ as Indian monitors. As any Tejon Indian will tell you, though, the ‘Tejon Indians’ term is in fact purely geographic and does not refer to a specific tribe. For example, I have already described at minimum, three such tribes on Ranch property, including Chumash, Kiwanuk and Yowlimne. All of these tribes would be considered ‘Tejon Indian’ yet as a most likely descendant (MLD) for two of these tribes it would seem like I would naturally be a ‘Tejon Indian.” But in the sense that the Ranch uses the term, I am not. It is even unclear whether the Tejon Indians as a responsible group is not the pure invention of the Ranch. Worse, the use of “Tejon Indians” is not only vague, it is troublesome as there have been reports of a business relationship between Tejon Ranch and this so-called “tribe,” calling for the eventual placement of a casino on Ranch property. Until these relationships are made transparent, the Ranch should not be allowed to rely on made-up tribes to cover their actions.

CULTURAL AND CEREMONIAL CONCERNS

For Indian people the Condor hold a very special place in our universe. It is as highly regarded as the Eagle. My Great Great Grandmother Magdalena Olivas has said that the Condor traveled the world. The condor is the largest bird in North America. Part of its habitat is on the Tejon Ranchlands and has been since time immemorial. There was a time, when condors were in abundance as was the white wolf from whom part of my heritage is named- Yowlimne. Yowlimne, the white wolf inhabited the southern end of the San Joaquin Valley, and as such, our people were named since we occupied the same geographical region. Yowlimne, the white wolf is extinct. The Condor, almost suffered the same fate until some very well educated biologists who could see into the future came together to stop this unimaginable fate of extinction caused by man. Together they collaborated with the Los Angeles Zoo, San Diego Zoo, and the Peregrine Fund for a captive breeding program, and today the Condors have a fighting chance.
Delia Dominguez
TMV-DEIR Comments  Page 5 Of 5

biologists again came together to determine how to resolve the delinquent condor teenagers. They decided to release AC8 (Adult Condor #8) in the hopes that she could mentor these condor teenagers. She has been considered as the matriarch of the Condors; having been born in the wild and been part of the breeding program. Sadly within 2 years, she was killed on the Tejón Ranchlands by 2 hunters. One drove the truck, and the other got off the truck and shot AC8 while she was sitting a tree waiting for the sun to come out to warm up and fly off. They were on the Tejón Ranch property with a permit for pig hunting. Our Tribe attended the sentencing hearing at the Federal Courthouse in Fresno where no one was allowed to make any comment. We did submit a written statement through the Federal Attorney where we asked for a maximum sentencing for such an atrocity of callously killing a magnificent bird protected under the Endangered Species Act. Subsequently we attended a public meeting near Frazier Park where Tejón Ranch was seeking a ‘take permit’ against the Condor. At the meeting we encountered Andrew Daymude, and Dennis Mullins, Ranch attorney, where we advised them both we did not support their request for the ‘take permit’. Andrew Daymude acknowledged our position.

**Conclusion**
Condors inhabited all of California, Washington, Oregon, Baja California, Mexico, Central America, South America, Arizona, and their remains have been found in Florida. Many tribes as well as ours honor animals as well as the Condor, and have a Condor dance that we practice in our ceremonies. When Europeans came to our lands, they considered the Condor vermin, erroneously thinking the condors would kill their cattle, and shot them in such numbers that they became fewer and fewer. This has caused an inability to practice this specific religious ceremony due to the scarcity of condor feathers needed for the necessary regalia. The DEIR should address the failure of Tejón Ranch to do more to protect these sacred animals for generations to come.

In addition, the DEIR virtually ignores many of the sacred sites in the Castaic Lake area, and those that it does identify are numerically coded so as to hide their true use and identity. My understanding of CEQA is that the cultural resources I have identified around the lake must be identified as cultural resources and protected as such. CEQA requires that this protection go beyond mere identification and use of covering materials or ‘passive’ protections. I hope the Ranch will consult with other, non-biased Natives when conducting their research in the future.

Sincerely,

Delia Dominguez
Kitanemuk & Yowlumne Tejon Indians
National Museum of Natural History - Smithsonian Institution
WASHINGTON, D.C. 20560

NOTES FROM INTERVIEWS AND DEPOSITIONS

MARIÁ CHOLOLO
(FORMER B. A. E., MS. 3046 PT.)
I, Mario Cholalco, Indian name Kullat, was born at Tulow rancheria, at the site of the present city of Bakersfield. Tulow was only about 26 miles distant from the rancheria of Timliw, or El Tejon Viejo. The Tejon Language, the name of that spoken at Timliw, was spoken at Tulow. My parents talked the Tejon language and it is also my language. Talking the same language and living so near, we were in close touch during my early girlhood with the events which occurred at the rancheria in the Tejon. My memory and knowledge goes back to a date before the Mexicans Del Valle and Aguirre had established themselves in the Tejon. I am about 4 or 5 years older than Juan Coluso; I knew him at the Tejon before either of us was fully grown and can therefore judge. When I was just about the time of my great granddaughter here, Rosalva Piellos (Rosalva Piellos is now 13 years of age), my parents moved to Tulustra rancheria in the Tejon, taking me along. Both Juan Coluso and I were at the Tejon before Bosile arrived there. It was 2 or 3 years after I came to live at Tulustra that Bosile, Goby, and the others arrived at the Tejon and established the Reservation there.

During my early girlhood at Tulow, indigenous Tejon Indians still inhabited the rancheria of Timliw, Tulustra, Hoêmeław, Tulüs, Poconl Timliw, and others, at the Tejon. The Indians at present living at the rancheria of Poconl Timliw, where the Catholic chapel is on Rancheria or Tejon Creek in the Tejon ranch, are the children or direct descendants of the indigenous Indians who inhabited the above mentioned rancheries at the time of my early childhood; their fathers or ancestors were indigenous and were not
transplanted to the Tejon by Besle or anybody else. At the time of my early childhood the Indians or following of the above mentioned rancheria of the Tejon cultivated and irrigated by means of ditches small fields at their villages; they used all the land adjacent to their rancheria for hunting and for gathering the wild reeds, bulbs and acorns as high they amounted.

The Indians used to hold antelope drives on the plains between Kern Lake and the Tejon. Many fish were usually taken from Kern Lake and from Kern River Slough. The Indians at the Tejon at the time of my early childhood had many of them been baptized, either at the missions on the coast or at the Tejon by Indians who had visited that region. Some of the Indians had religious pictures or crucifixes or rosaries in their houses, but there was no church at the Tejon until the Catholic chapel at Tejon Flats was built in quite recent times.

I have been married several times, and have two children living, Lottie Peters and Pablo Domingo. My last husband, Jose Maria Chololo, was born at the Tejon and was living with his mother near Captain Hernandez's house at El Pato, when I was living at Feuitt; a mile away, but I did not marry him till he was old, here at the Tule River Reservation. I attended the ghost dance at Kicherow, I was already living at Kernville at the time.

Marina Chololo.

Witnesses to mark:
February 19, 1922.
Deposition of MARIA CHOLOLO
Interviewed by John P Harrington

I, Maria Chololo, Indian name Kulat, was born at WoWlow rancheria, at the site of the present city of Bakersfield. WoWlow was only about 5 miles distant from the rancheria of Tinilw, or El Tejon Viejo. The Tejon language, the same as that spoken at Tinilw, is also my language. Talking the same language and living so near, we were in close touch during my early girlhood with the events which occurred at the rancherias in the Tejon. My memory and knowledge goes back to a date before the Mexicans Del Valle and Aguirre had established themselves in the Tejon. I am about 4 or 5 years older than Juan Coloco; I knew him at the Tejon before either of us was fully grown and can therefore judge. When I was just about the size of my great granddaughter here, Beatrice Fields (Beatrice Fields is now 12 years of age), my parents moved to Tsutsuwa rancheria in the Tejon, taking me along. Both Juan Coloco and I were at the Tejon before Beale arrived there. It was 2 or 3 years after I came to live at Tsutsuwa that Beale, Gody, and the others arrived at the Tejon and established the Reservation there.

During my early girlhood at WoWlow, indigenous Tejon Indians still inhabited the rancherias of Tinilw, Tsutsuwa, Hoshtiw, Yauliw, Posun Tinilw, and others, at the Tejon. The Indians at present living at the rancheria of Posun Tinilw, where the Catholic chapel is on Rancheria or Tejon Creek in the Tejon Ranch, are the children or direct descendants of the indigenous Indians who inhabited the above mentioned rancherias at the time of my early childhood; their fathers or ancestors were indigenous and were not transplanted to the Tejon by Beale or anybody else. At the time of my early childhood the Indians of WoWlow and of the above mentioned rancherias of the Tejon cultivated and irrigated by means of ditches small fields at their villages; they used all the land adjacent to their rancherias for hunting and for gathering the wild seeds, bulbs and acorns on which they subsisted. The Indians used to hold antelope drives on the plains between Kern Lake and the Tejon. Many fish and mussels were taken from Kern Lake and from Kern River Slough. The Indians at the Tejon at the time of my early childhood had many of them baptized, either at the mission on the coast, or at the Tejon by padres who had visited that region. Some of the Indians had religious pictures, crucifixes or rosaries in their houses, but there was no church at the Tejon until the Catholic chapel at Posun Tinilw was built in quite recent times.

I have been married several times, and have two children living, Lottie Peters and Pablo Ignacio. My last husband, Jose Maria Chololo, was born at the Tejon and was living with his mother near Captain Remundo’s house at El Paso, when I was living at Tsutsuwa a mile away, but I did not marry him till he was old, here at the Tule River Reservation. I attended the ghost dance at Koipopow, I was already living at Glennville at the time.

Maria Chololo
February 19, 1922
Comment Letter 47, Cont.

NOTES FROM INTERVIEWS AND DEPOSITIONS

MÁRIA CHOLÓLO

(FORMER B. A. E. MS. 3046PT.)
I, María Cholzie, Indian name Sunat, was born at Pueblo rancheria, at the site of the present city of Bakersfield. Pueblo was only about 35 miles distant from the rancheria of Tinilw, or El Tejon Viejo. The Tejon language, the name of that spoken at Tinilw, was spoken at Pueblo. My parents talked the Tejon language and it is also my language. Talking the same language and living so near, we were in close touch during my early girlhood with the events which occurred at the rancheria in the Tejon. My memory and knowledge goes back to a date before the Mexicans Del Valle and Aguilar established themselves in the Tejon. I am about 4 or 5 years older than Juan Coluko; I knew him at the Tejon before either of us fully grown and can therefore judge. Then I was just about the size of my granddaughter born, 2nd Tejon child (Bastian Fields is now 1/2 years of age), my parents moved to Tejon rancheria in the Tejon, taking us along. Both Juan Coluko and I were at the Tejon before Scoble arrived there. It was 2 or 3 years after I came to live at Tejon that Scoble, Jenkins, and the others arrived at the Tejon and established the Reservation there.

During my early girlhood at Pueblo, indigenous Tejon Indians still inhabited the rancheria of Tinilw, Yumilw, Hoochtew, Tinilw, Posaun Tinilw, and others, at the Tejon. The Indians at present living at the rancheria of Posaun Tinilw, where the Catholic church is on Rancheria or Tejon Creek, are the children or direct descendants of the indigenous Indians who inhabited the above mentioned rancheria at the time of my early childhood; their fathers or ancestors were indigenous and were not
transplanted to the Tejon by Biele or anybody else. At the time of my early childhood the Indians of Tejon and of the above mentioned rancheries of the Tejon cultivated and irrigated by means of ditches small fields at their villages, they used all the land adjacent to their rancheries for hunting and for gathering the wild reeds, brush and acorns on which they subsisted. The Indians used to hold antelope drives on the plain between Kern Lake and the Tejon. Many fish and mussels were taken from Kern Lake and from Kern River Slough. The Indians of the Tejon at the time of my early childhood had only a few who were baptized, either at the missions on the coast, or at the Tejon by priests who had visited that region. Some of the Indians had religious pictures, crucifixes or rosaries in their houses, but there was no church at the Tejon until the Catholic chapel at Tejon Ranch was built in quite recent times.

I have been married several times, and have two children living, Lottie Peters and Pablo Ignacio. My last husband, José Maria Chololo, was born at the Tejon and was living in the same house near Captain Bencomo’s house at El Paso, when I was living at Tejon, a mile away, but I did not marry him till he was 18, here at the Tejon River Reservation. I attended the ghost dance at Kekapanow, I was already living at Homeville at the time.

Her mark.

Witnesses to mark:

February 19, 1926.

Maria Chololo.
Comment Letter 47, Cont.

Deposition of MARIA CHOLOLO
Interviewed by John P Harrington

I, Maria Cholo, Indian name Kuist, was born at Woillow rancheria, at the site of the present city of Bakersfield. Woillow was only about 5 miles distant from the rancheria of Tinlwi, or El Tejon Viejo. The Tejon language, the same as that spoken at Tinlwi, is also my language. Taking the same language and living so near, we were in close touch during my early girlhood with the events which occurred at the rancherias in the Tejon. My memory and knowledge goes back to a date before the Mexicans Del Valle and Aguerra had established themselves in the Tejon. I am about 4 or 5 years older than Juan Coluco; I knew him at the Tejon before either of us was fully grown and therefore judge. When I was just about the size of my great granddaughter here, Beatrice Fields (Beatrice Fields is now 12 years of age), my parents moved to Tsuitsaw rancheria in the Tejon, taking me along. Both Juan Coluco and I were at the Tejon before Beale arrived there. It was 2 or 3 years after I came to live at Tsuitsaw that Beale, Godby, and the others arrived at the Tejon and established the Reservation there.

During my early girlhood at Woillow, indigenous Tejon Indians still inhabited the rancherias of Tinlwi, Tsuitsaw, Hoshtsiw, Yaullwi, Posun Tinlwi, and others, at the Tejon. The Indians at present living at the rancheria of Posun Tinlwi, where the Catholic chapel is on Rancheria or Tejon Creek in the Tejon Ranch, are the children or direct descendants of the indigenous Indians who inhabited the above mentioned rancherias at the time of my early childhood; their fathers or ancestors were indigenous and were not transplanted to the Tejon by Beale or anybody else. At the time of my early childhood the Indians of Woillow and of the above mentioned rancherias of the Tejon cultivated and irrigated by means of ditches small fields at their villages; they used all the land adjacent to their rancherias for hunting and for gathering the wild seeds, bulbs, and acorns on which they subsisted. The Indians used to hold antelope drives on the plains between Kern Lake and the Tejon. Many fish and mussels were taken from Kern Lake and from Kern River Slough. The Indians at the Tejon at the time of my early childhood had many of them baptized, either at the missions on the coast, or at the Tejon by padre who had visited that region. Some of the Indians had religious pictures, crucifixes or rosaries in their houses, but there was no church at the Tejon until the Catholic chapel at Posun Tinlwi was built in quite recent times.

I have been married several times, and have two children living, Lottie Peters and Pablo Ignacio. My last husband, Jose Maria Cholo, was born at the Tejon and was living with his mother near Captain Remundo's house at El Paso, when I was living at Tsuitsaw a mile away, but I did not marry him till he was old, here at the Tule River Reservation. I attended the ghost dance at Kolpopow, I was already living at Glennville at the time.

Maria Cholo
February 19, 1922
Comment Letter 47, Cont.

Kern Co.

Box 870, Bakersfield, Calif.

Dear Col. Berrington,

Enclosed please find reports of Indian pupils as requested.

On May 14, 1928, Mrs. Eugenia Mundy, oldest member of the Tejon Indian Tribe, passed away at the approximate age of one hundred twenty years.

Thanking you for your interest in our Indians here, I remain as ever,

Yours truly,

Mrs. Anna B. Riverside

47-U3
A "SERRANO" WOMAN OF TEJON, 1824

Because the Serrano were linguistically related to the Kitanoemuk, Curtis misidentified this woman as a Serrano. It was an understandable mistake. No archaeological, and very little ethnological, research had been done on the peoples of this area at the time. Of course, that she lived at Tejon—a place where the few Kitanoemuk of this time lived—is indisputable. The Kitanoemuk lived along the El Paso and Tejon Creeks, in the arid area north of the Mojave Desert and east of the San Joaquin Valley, through which those waters run. In the mid-1850s, a U.S. Army base was set up near here (Fort Tejon), and a Tejon ranch was established in 1853, although it was abandoned in 1864, sixty years before Curtis visited. This woman—a young girl at that time—may have witnessed those changes firsthand.

Whether Serrano or Kitanoemuk, the life of women was as harsh as the territory. Their existence was dependent on limited and seasonal food sources—pine nuts and pronghorn antelope, primarily—found among the few hundred square miles of their land. At puberty, a girl was isolated with one of her female relatives and given special instructions and restrictions to help her through this spiritually dangerous period. After four months, she rejoined the family. Perhaps as a reflection of their hard-won status, Kitanoemuk women had a central place in tribal mythology. In their creation story, the world is formed by five brothers and one sister, who is the wisest of the siblings. She is the one who teaches children how to survive, and all living people descend from her.
Considerable attention has recently centered on the linguistic affiliation of one of California’s least known aboriginal groups, the native people who inhabited the upper valley of the Santa Clara River and the rough country northward to the vicinity of Tejon Pass. Traditional opinion has held that this territory was the homeland of a group of Ute-Aztec speakers, who are known today as the Tataviam, and formerly as the Allikik (Kroeber 1915; 1953:63-64; Pi: 48; Harrington 1924-25; Bright 1975; King and Blackburn 1978). Madison Beeler and Kathryn Klar in a recent article in this journal questioned the accepted interpretation. They suggested that the Tataviam, whose presence is postulated from fragmentary data, may not have existed at all, and assigned their territory instead to speakers of Ventureño Chumash (Beeler and Klar 1977).

This conclusion drawn by Beeler and Klar is based in part on the fact that a modern place-name of undisputed Chumash origin, Castaic, exists in the upper Santa Clara River valley right in the center of territory previously believed to have belonged to the Tataviam (Beeler and Klar 1977:303). They assume, as have many anthropologists before them (e.g., Kroeber 1915:774, 1953:Pi: 48; Johnston 1962; Bright 1975:229), that the original village of Kashiqi must have been located in the vicinity of the modern town of Castaic. This assumption is reasonable in light of the fact that the town of Castaic is located at the mouth of a creek by the same name, and it was the “general custom of the California Indians to name streams after the sites at their mouths” (Kroeber 1933:447).

But the mouth of Castaic Creek is not the only location identified with the site of Kashiqi. On a map of historic Chumash settlements, Chester King places Kashiqi at Castac Lake which is located near Tejon Pass in territory well documented for the Interior Chumash (King 1975; Kroeber 1907:137-138, 1953:Pi: 48; Merriam 1967:430; Latta 1970:268; Beeler and Klar 1977:294). A Historic Period archaeological site is known for the latter location (Jennings 1976). Enough ethnohistorical and ethnographic data exist to clarify the Kashiqi issue, but such data have never been presented fully. The appearance of Beeler’s and Klar’s article makes an evaluation timely.

What follows will be an attempt to settle the problem of the original site of Kashiqi by (1) examining the available evidence and (2) by offering a hypothesis to explain how the name came to be applied to two widely separated localities. A final section will present recently discovered evidence which hints that expanded boundaries for the Interior Chumash may be in order, but not so divergent as those proposed by Beeler and Klar.

THE CHUMASH ORIGINAL

Part of the ambiguity surrounding the location of Kashiqi may stem from the way native speakers applied the term. There are hints in the notes gathered at Tejon Ranch by J.P. Harrington that Kashiqi may have been a general Venturaño name for any pond or small body of water (Harrington 1917n:1345). Kashiqi means “what is like a face, or an eye” (Beeler and Klar 1977:302). Thus, it may be similar in application to the old California Spanish expression ojo de agua, meaning “an eye, reflection,
of water”, referring to a spring (Latta 1976:108). In fact, one of Harrington's Ventureño consultants, Candelaria Valenzuela, stated that Kashtiq meant “spring” and that the village became so named because “there used to be a spring there” (Harrington 1916).3

CASTAIC (CREEK) VS. CASTAC (LAKE)

In determining the original site of Kashtiq we must rely on ethnohistoric sources. For an Interior Chumash settlement, Kashtiq was fairly large with an estimated population of over one hundred (King 1969). Converts from Cashilte or Castac appear in the baptismal registers of three missions, San Buenaventura, Santa Barbara, and San Fernando (Merriam 1962, 1968, 1970). We would expect that such an important rancho would not go unnoticed by Spanish travelers to the interior. Records of its location should appear in official diaries.

A number of early historical accounts mention the existence of native villages in the Castaic Creek vicinity. The Portolá expedition in 1769, Father Garcés in 1776, and Father Santa Maria in 1795 encountered populous m Rancheras there, but unfortunately did not record their names (Bolton 1927:153; Cones 1900:267-268; Engelhardt 1973:8). By 1803 the padres of Mission San Fernando constructed an estancia called San Francisco Xavier on the mesa behind Castaic Junction. What is of interest to the present study is that the native name repeatedly associated with the San Francisco Rancho is not Chumash at all, but Uto-Aztecan Cheguyubíl (or Cheguyubíl), not Cashilte, as the name which is given (Engelhardt 1973:16, Perkins 1957:102, Merriam 1968:95).

In contrast to the absence of data favoring a Castaic Creek location, there exists a wealth of ethnohistoric information referring to a village named Kashtiq near Tejon Pass.5 Two expeditions in 1806 found a “moderate-sized” settlement at a lake of “pure salt water” (Castac Lake). The diarist of the first expedition, Father Zalvidea, recorded the name of the settlement as Castique (Cook 1960:247,253). This form of the name for Kashiq is remarkably similar to the place Castequi, which appears in the Pico-Henshaw list of principal Chumash m Rancheras in the interior mountains6 (Heizer 1955:196, 1975:77).

The unpublished official file of an even earlier expedition of 1790 mentions that 39 natives of “Castec” participated in an attack on a party of soldiers in nearby San Emigdio Canyon.7 They were in company with Yokuts from the villages of “Losse” (Lossoi) and “Mitumani” (Tulumanni), and Chumash from “Taxilipu” (Taxilipan, San Emigdio), “Matupum” (Matupum, Santiago Creek), “Taxico” (Tate’ik’ohe, Pastoria Creek?) and others. It is significant that most of the villages which can be identified were in the southern San Joaquin Valley and neighboring mountains (King 1975; Kroeber 1953:Pt. 47). None can be linked with the upper Santa Clara (River) valley. In 1838, the San Fernando Mission baptismal record shows two neophytes from Castech en los Tulas, again associating the Kashtiq ranchería with the San Joaquin region8 (Merriam 1968:95).

Nineteenth-century Mexican land grants provide further clues to the original location of historic villages by preserving native place-names either in the names of the grants themselves or in the disietos, which are maps showing topographic features in the areas applied for. The Castec grant originally covered the territory from Castac Lake down the Cañada de las Uvas to the shores of Kern Lake9 (Becker 1969). Bordering to the south was the Los Alamos y Agua Caliente grant. The disieto of the latter shows the Lomera de Castac as the low hills lying just north of Gorman Creek and identifies Tejon Pass as Portezuela de Castac (see Table 1).

Later nineteenth-century evidence also links the Kashtiq name with the Tejon Pass area. The Pacific Railroad Survey of 1853 gives Casteca as an early form of Castac Lake (Blake 1856:47). The “Castale” tribe appears in 1851 among the southern San Joaquin tribes signing the “Texon” treaty (Heizer 1972:38-39).

Ethnographic notes from the early twentieth century provide further clarification. Kroeber's and Merriam's consultants at Tejon Ranch stated that Kas-tuk, or Kas-lak, was at Castac Lake at the head of the Cañada de las Uvas (Kroeber 1915:774; Merriam 1967:435; Beeler and Klar 1977:299). However, Harrington's principal Inezeno consultant, Marla Solares, who had visited Tejon as a child (Blackburn 1975:18), remembered Kashtaq as being a place at the mouth of Cajon de las Uvas, called by the Yokuts Lapnawi (Harrington 1916). From other sources, we know that this was instead the historic Chumash village of Matu'arpuxutura'10 (Applegate 1975:36; King 1975; Latta 1977:270; Harrington 1917r:1337), which means the same as the Yokuts' Lapnawi or Laptio, "Cottonwood Place." However, Marla Solares
was right insofar as the people of Lapaw were said to be of the "Kas-tik tribe" (Merriam 1967:435).21

To summarize, all indications are that Kashtig was located at Castac Lake. Conversely, nowhere in ethnographic documents is the name associated with the mouth of Castaic Creek.

PATTERNS OF PLACENAMES

Earlier, a passage from Kroeber (1953) was quoted which indicated that in native California canyons frequently became named for settlements at their mouths. A second pattern of place naming, commonly applied by Euro-Americans during the nineteenth century, also became preserved on twentieth-century maps. Those canyons which were along major travel routes came to be named for the destinations of the important trails which followed their courses, similar to the way modern freeways, radiating from Los Angeles, have acquired their titles. An example in the mountainous interior of Santa Barbara County may be cited. Santa Barbara Canyon, a tributary of the Cuyama River, was so named because it provided an important corridor in historic times (and pre-historic) through the mountains to Santa Barbara (Gifford and Schonck 1926:16; Smith 1973; Cook 1962:156; Spaulding 1966:11).

An examination of any modern map of the region reveals that Castaic Creek also may have once provided a way to Tejon Pass at the top of the Cañada de los Utrus, and thus became named because it was the trail which led to the region associated with the "Castak tribe," Castac Lake, and Castac Land Grant. To see whether such a route was actually in use, we may turn again to some early records.

The Wheeler map of 1879 shows very clearly that the Castaic Creek trail was one of major importance during the nineteenth century. Evidence that the trail continued to be used into the early twentieth century appears on the first map (1902) of the Pine Mountain and Zaca Lake Forest Reserve (later to form portions of the Los Padres and Angeles National Forests). Eventually segments of the trail became worked into a paved road which today is Interstate 5, the main artery connecting the northern and southern parts of the state.

If we go farther back in time, we find that the trail was in use by the Spanish early in the nineteenth century. Pablo de Portilla, en route to San Emigdio to retrieve runaway neophytes who fled during the 1824 Chumash revolt, gives us an accurate description of the trail.

June 6 [from Camulos] We resumed our march along this river [Santa Clara River] as far as the place San Xavier, a ranch of San Fernando [Castaic Junction], from this point, leaving the river we directed our steps to the northeast, following a canyon [Castaic Creek] and broken hills we climbed a rather steep ridge named by the Father President San Nabor to and under the crest of which we camped for the night at a little spot we called Espiritu Santo because this was the first day of Pentecost. We estimated that the distance traveled this day was about 8 leagues.

June 7 We left Espiritu Santo and traversed rough hills, then a rocky gorge with considerable water called the Tinoco [Piru Gorge], as far as the place known as Los Alamos [still called Cañada de los Alamos], a distance of perhaps 8 leagues. We continued through a plain [Hwyggy Valley], passed by the Sillones de Cortes [Castaic Lake], and entered Grapevine Canyon in the middle of which we made camp ... It is 6 leagues distant from Los Alamos [Cook 1962:155].

Other expeditions had taken the same route as Portilla or one very similar. Moraga's 1806 expeditions apparently came this way, as did that of Palomares in 1808 and others (Cook 1960:233-5; Cutler 1950:53, 147). We might infer that the trail was of major importance in prehistoric times as well, and that the frequency of commerce which came this way was what made the people of Kashtig seem "altogether too cunning and crafty in trading" (Cook 1960:233).

Further data regarding the Castaic Creek trail has recently come to light among the ethnographic field notes of John P. Harrington (1917b).22 From a notebook kept by Harrington during a place-name trip with Eugenia Montes, a Kitunemik consultant, come more details about an old trail used by the Indians when Eugenia was a child. Traveling over the old Ridge Route with Harrington, Eugenia pointed out those places which she remembered. The trail she described is different in some ways from the route we have come to know from the diaries of the Spanish colonial expeditions and from the 1879 Wheeler and 1902 Forest Reserve maps.

Beginning at the mouth of Castaic Creek, she named tunity'ing for an ousage (watering place) below Newhall.23 P'ing was a rancheria located upstream from where Violin Canyon entered Castaic Valley.24 The Indians' trail apparently went up Violin Canyon and climbed a mountain called
Comment Letter 47, Cont.

kikiti'king (Townsend Peak?) where another trail was met from the lower Pinu. From here the trail went over to "Los Alamos" where the ranchería of Pakung once stood. Eugenia had once attended a fiesta there. En route from "Los Alamos" to La Liebre, shraaug (Quail Lake) was passed as was tinkiyik, a cave with a spring. From here to aloven (La Liebre Ranch House) there were trails which led across the west end of Antelope Valley. One went up huanatik (Oso Canyon) and then passed the east shore of Castaic Lake. A second trail led northward crossing twoo ridges before descending La Tunas (Tunis Creek) to Tejon Ranch (Harrington 1917b).

Only a few selected place-names mentioned by Eugenia have been presented here. Further analysis is needed to identify others which were recorded by Harrington. What is important to the present study is the fact that a trail leading up Castaic Creek was known and used by Kitanemuk who lived at La Liebre and Tejon Ranch during the historic period, and that one branch of the trail led past Castaic Lake.

So far we have discussed evidence which makes a hypothesis of Chumash ownership of the upper Santa Clara highly suspect. Next we will consider data which expand our understanding of the territory the Chumash may have held.

ETHNOHISTORIC DATA FROM LAND GRANT DISEÑOS

Los Alamos y Agua Caliente is a place-name found on modern maps for an angular tract of land arranged around Pastoria Creek in the southern Tehachapi Mountains. Actually, the final United States government survey for the Los Alamos y Agua Caliente land grant moved it to a completely different territory than is shown on the original diseño. The reason for the relocation was given by J.J. Lopez, former mayordomo of the Tejon Ranch:

[The] grant was intended to be located between Hungry Valley and the Frazier Mountain on the west, the Alamos mountains on the south, the Siete [sic] de la Bellota ... on the east, and the divide between Gorman Station and Fort Tejon on the north. ... General Beale [then Surveyor General of California] floated it between the Tejon and the Castaic [sic] (which he also owned) so as to give him an unbroken body of land19 [Latza 1976:193].

With this introduction, we may next examine carefully some Indian place-names which appear on Los Alamos y Agua Caliente diseño (Table 1). The interested reader may also consult Becker's (1964) reproduction of one diseño and should bear in mind that his identifications differ from those suggested here, since he was attempting to reconcile features on Beale's misplaced grant with topography shown on the original diseño.

Table 1 presents place-names of Indian origin with a preliminary linguistic analysis. The names are clearly derived from a Chumash language and constitute evidence of Chumash presence in territory not previously known for them. The region encompassed by the Los Alamos y Agua Caliente diseño was originally assigned by Kroeber to the Aliilkik (Tataviam). King's and Blackburn's recent summary also included this area in northern Tataviam territory (Kroeber 1955:48; King and Blackburn 1978). With the ethnohistoric information available from the land grant diseño, we have indications that the Tataviam linguistic boundary might be adjusted southward at least to the confluence of the Cañada de los Alamos and Pinu Creek, giving the upper Pinu, Hungry Valley, and Gorman Creek to the Chumash. The recent work of Fioe, Craig, and King (n.d.) seems to confirm this hypothesis.

CONCLUSION

This paper has attempted to show that the place-name Castaic is a historic introduction to the upper Santa Clara River valley. Castaic Creek was so named because it provided a natural travel corridor north to the site of the Chumash village, Kastla, at Castaic Lake. Thus, the existence of the name Castaic in the upper Santa Clara River Valley does not justify assigning this territory to the Chumash. In fact, experience shows us that just because a modern town possesses a Chumash name, it does not necessarily mean that the village of that name was located nearby. Two examples are modern Somis, east of Saticoy, and Ojai in the Lower Ojai Valley. The Venturaño village of Somis was originally near present-day Ojai, and 'Amaru' itself was actually situated in the Upper Ojai Valley (Applegate 1975:42; King 1975; Harrington 1916).

Land grant diseño frequently provide valuable ethnohistoric data by recording early Hispanic and Indian place-names which later fell into disuse (King 1975:171; Glassow and Fioe 1976). The diseño
for Rancho Los Alamos y Agua Caliente has on its a number of Chumash-derived words. This
evidence suggests that a redrawing of the linguistic boundary between the Tataviam and Chumash
may be in order. However, caution should be used even accepting a modest readjustment of
boundaries. Kitaniemuk place-names are also known for the Gorman-Los Alamos area (Harrington
1917a, 1917b), and two Kitaniemuk consultants, Juan José Fustero and Eugenia Montes, provided
evidence which seems to assign that region to the Tataviam (Kroeber 1915:774; Bright 1975:229). The
proposal that the Chumash held a larger territory must be considered only a hypothesis for the
present. Further testing can be provided by an in-depth analysis of Harrington's field notes,
especially those from José Juan Olivas, a Castac Chumash consultant, and Eugenia Montes. Mission
register analysis is another hopeful area to be explored.

TABLE 1. Chumash Place Names on Los Alamos Y Agua Caliente Diseños

<table>
<thead>
<tr>
<th>Place Name</th>
<th>Diseño Number</th>
<th>Identification</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lomería de Castac</td>
<td>(1)(2)</td>
<td>Castac Hills, lying between Gorman and Castac Lake</td>
<td>named for the Chumash Village Kaštíq at Castac Lake (see text)</td>
</tr>
<tr>
<td>Portuuela de Castac</td>
<td>(2)</td>
<td>Castac Gap, present-day Tejon Pass</td>
<td></td>
</tr>
<tr>
<td>Arroyo de Tinoq</td>
<td>(1)</td>
<td>Piru Creek</td>
<td>Chumash ranchería of Tenoqui is mentioned in 1790 (Bancroft 1886:465). Early maps accompanying the Pacific Railroad Reports identify upper Piru Creek as the Tenoco (Williamson et al., 1861; Blake 1853).</td>
</tr>
<tr>
<td>Cañada de Cacujup</td>
<td>(2)</td>
<td>Hungry Valley</td>
<td>Ka'q, meaning &quot;water&quot; is a root of several Ventureño place-names (Applegate 1974:193).</td>
</tr>
<tr>
<td>Cañada de Caguesume</td>
<td>(2)</td>
<td>Upper Gorman Creek, Peace Valley</td>
<td>Cf. Kawi sikułm, a Castac Ventureño place-name near Tashololo (Frazier Mountain), and said to refer to deer (wi) and burning (Harrington 1917a:1533).</td>
</tr>
<tr>
<td>Cañada de Tahuhua</td>
<td>(2)</td>
<td>Lower Gorman Creek</td>
<td>Taxiwax is a Chumash word meaning &quot;to leak&quot; or &quot;to seep,&quot; referring to a spring (Applegate 1974:193, 1975:43).</td>
</tr>
<tr>
<td>Piñal de Tomo</td>
<td>(1)(2)</td>
<td>Pine Grove of Tomo</td>
<td>Tomol is the Chumash word for &quot;yellow pine,&quot; Pinus jeffreyi or Pinus ponderosa (Hudson, Timbrook, and Rempe 1978:48).</td>
</tr>
</tbody>
</table>

(1) Cal. P.L.C. 1852  (2) Becker 1964:Map 42

ACKNOWLEDGEMENTS

The author expresses his appreciation to the following persons who generously provided or helped to
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Thomas Blackburn, Dick Whitehead, Donald Cutter, David Jennings, Clifton Smith, and Alexia
Lubenski. The author originally became interested in the Tejon Pass region while conducting
background research for U.S. Forest Service archaeological reports.

Los Padres National Forest, Goleta

NOTES

1. The orthography used here for the Chumash name Kaštíq is that suggested by Applegate (1975:24). In 1960, the
Geographic Board distinguished between the two modern versions of this place-name, settling for Castaic Creek, Valley,
and town in Los Angeles County, as opposed to Castac Lake and Valley in Kern County (Gudde 1969:57).

2. The Yawelmani Yokuts name for Kaštíq was recorded by Merriam as Siṣb which meant "eyes" (1967:435). Kroeber's
Yokuts consultants at Tejon gave him the place-name Senau for Castac Lake which meant "at the eye" (Kroeber 1907:139).

3. This piece of information clears up one nineteenth-century reference which until now was puzzling. In 1824, Pablo de Portilla, returning home from San Emigdio by way of Santa Barbara Canyon, "camped for the night at the place called Castec (or by us San Pablo)" (Cook 1862:156). Castec was most likely a spring, located somewhere near the headwaters of Mono Creek, perhaps in Alamar Canyon or Don Victor Valley. Portilla's "Castec" has previously been confused by several authorities with the village of Koshitqi (cf., Guadé 1969:57; Brown 1967:18).

4. Cf., Tsianang, name for a village on the San Francisquito Ranch near "Castac depot" (Kroeber 1915:774; King and Blackburn 1870).

5. Tejon Pass, as it appears here, refers to the place so designated on modern maps at the top of Grapevine Canyon (Calle de las Uvas). The original Tejon Pass was in the Tehachapi Mountains at the head of Tejon Creek, which enters the San Joaquin Valley at Tejon Ranch (Williamson 1856:23).

6. Pico's Castoqui was unfortunately misprinted by Heizer as "Las tecui," an untranslatable word. The error is understandable given the difficult handwriting in the Henshaw manuscript. A similarly garbled rendition of Castoquie may occur in a published reminiscence of an early nineteenth-century expedition originally collected by Alexander Taylor (Cook 1960:253).

7. The 1790 incident in which two soldiers were killed is referred to repeatedly in early diaries. The best summary of the affair occurs in Cutter (1950:42-47). A brief notice is given by Bancroft (1886:465). The full account has recently been translated and is being prepared for publication.

8. In the nineteenth century, Chumash villages in the mountains near the southern San Joaquin Valley were often grouped with the Yokuts by the Spanish as Tuleños.

9. The official description of the Castaic grant preserves the old Spanish place-name for Castac Lake — Salinas de Cortes. The origin of this name can be traced back to Pedro Fages, who became California's first governor. In 1772, he was the first official Spanish visitor to enter the southern San Joaquin Valley. He called Tejon Pass the Portezuelo de Cortes apparently with an eye towards political considerations in Mexico (Bolton 1931; Crowe 1957:22). Early travelers in the 1800s also mention the Salinas de Castec, (Cook 1860:253; 1960:155).

10. Mat' apxeylecxe' I gave at least two early baptisms to Mission San Buenaventura (Merriam 1970:44) but is conspicuously absent in the reports of various early expeditions which traversed Grapevine Canyon. However, by the late nineteenth century there is abundant evidence of a rancheria at this location (Kroeber 1953:Pl. 48; Blackburn 1973:272; Williamson 1856:Pl. 7; Blake 1856:41; Crowe 1957:37; Latta 1976:207; Voegelin 1938:51).

11. For other early references to a Castac "tribe" see Heizer (1972:39) and Giffen and Woodward (1942:30).

12. See Table 1 for identification of the Tineco.

13. See Note 9.

14. Kroeber stated that the Castaic Creek trail was probably an important thoroughfare for Indians traveling to the San Joaquin Valley (1915:774).

15. See Horne, Craig, and King (n.d.) for a discussion of other data contained in Harrington’s notebook.

16. See Note 4 and compare discussion of Chiquauyabti in the text of the article.

17. Cf. Piibit or Piinga of the San Fernando Mission records (Merriam 1968:99). The location of this village is shown by King and Blackburn (1978). Like Chiquauyabti, another Uto-Aztecan name for the Castaic Creek region!

18. The Sierra de la Bellota is apparently meant. Bellota means "acorn." The same place may have been referred to by Eugenia Montes who pointed out a mountain with "bellota trees" (K, kiyagitlak) on top to Harrington while they traveled the old Ridge Route (Harrington 1917b). Perhaps the name refers to Bald Mountain. A field check is needed.

19. It has been said that when asked why he did not reappoint General Edward F. Beale as Surveyor General for California, President Lincoln remarked, "He became monarch of all he surveyed" (Crowe 1957:67).

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Applegate, Richard B.
1975 — An Index of Chumash Placenames. In Papers on the Chumash, San Luis Obispo

Heizer, Robert F.
1972 — The Eighteen Untaught Treaties of 1851-52.
Bancroft, Hubert Howe 1886 — History of California, 1542-1800. San Francisco: The History Co.
California Public Land Claims 1852 — Diseño #498, Los Alamos y Agua Caliente, Pedro Carrillo. On file at the National Archives, Smithsonian Institution, Washington, D.C.
County of Kern

Chapter 7. Responses to Comments

Comment Letter 47, Cont.

Dawson's Book Shop.
Gifford, E.W., and W.E. Scheack
Glasgow, Michael, and Stephen Home
Godde, Erwin
Harrington, John P.
1917a — Notes from Jose Juan (Chumash) and Magdelena (Kitanemuk). Box 747-60:1535-1591. On file at the National Anthropological Archives, Smithsonian Institution, Washington, D.C.
1917b — Fieldnotes from Eugenia Montes and Juan José Fastero (and José Juan Olivas?), Box 747-6. Microfilm Reel 11:653-709. On file at the Anthropology Department, University of California, Santa Barbara.
1935 — Fieldwork among the Indians of California. In Explanations and Fieldwork of the Smithsonian Institution in 1934, pp. 81-84. Washington, D.C.

Spaulding, Edward Selden
Voegelin, E.W.
Wheeler, L. George M.
Williamson, Ll. R.S.
Williamson, Ll. R.S., Ll. J.G. Parke, and Isaac Williams
1881 — Map of a Survey of the Passes in the Sierra Nevada, from Walker's Pass ... to the Coast Range, 1853. In Reports of Explorations and Surveys ... from the Mississippi River to the Pacific Ocean. Vol. 11. Washington, George W. Bowne.


Return to Santa Clarita Valley History in Pictures.

47-W3 Cont.
Comment Letter 47, Cont.

...
Comment Letter 47, Cont.

I was replaced at but an old
man, an old man by the
Richard Brown, a very poor step-
father who had a house in the
present store. When Brown and I
were both there, after that, seeing
that the others were going away, I
went with my brother in a month or
two to New York City. The
Brown family went back to the
home in the new town. They,
however, did not want to work
hard to earn a living. And
those that worked
faced the struggle to return
possession of his home. The
Brown family had a big
new home, but it was not
people of the town. The
district as Brown's
neighborhood was
ruined and was a great
scandal for the
Brown family. It was
necessary for the
Brown family to leave his
home and move.
Comment Letter 47, Cont.

Francisco and Vincent, her brothers, lived at El Monte. I can remember their mother, on the mission, a very old woman when she was a girl. She had been baptized at San Fernando Mission. After their mother died, they lived with an old woman and Jim Monte and the others who still resided there were forced by Brute to move up to the Reserve here.
Comment Letter 47, Cont.
Comment Letter 47, Cont.

plains on El Paso cañon above
the shore.

miti oka,

Mi'ga cañon, downste from the about
pi'ka'ja'ka, downste from above
hun'ita' ohs're, downste from
letter a'aguage was ohaaje.

tamipii' ri'vea, downste from above.

gakke'sh che'we (mouth's hole),

downste from above.

Kii'k'area, a hill below above.
Comment Letter 47, Cont.

...
Comment Letter 47, Cont.

...
Comment Letter 47, Cont.
Comment Letter 47, Cont.

1895 is when they moved from all the fields to the canyon. Jose Molina, contractor, told 1885 was when he confirmed.

If the change was a summer - Bishop was there - en abril. built it in 1884. I stopped a race there.

Padre Pedro came to the same lake - he organized.

Padre Valentin came to house of Roger Young and his wife - baptize - was back there. He was always happy and kind.

February 1st.
Comment Letter 47, Cont.
County of Kern  
Chapter 7.  Responses to Comments

Comment Letter 47, Cont.

47-X3 Cont.

[Faded text that is difficult to read]
Comment Letter 47. Dominguez, Dee (July 12, 2009)

Response 47 A.

Thank you for your comment. Delia "Dee" Dominquez states she is writing to express her concerns with the Tejon Mountain Village and Frazier Park Estates Draft EIRs. Commentor is writing in her capacity as a concerned citizen with strong ties to the Tejon Ranch property. Commentor is a Most Likely Descendant (MLD) for the Kitanemuk and Yowlumne Yokut Indian Tribes, and the Chairwoman of the Kitanemuk and Yowlumne Tejon Indians. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 B.

Commentor states that the Draft EIR does not adequately consider the indigenous settlements for the entire Tejon Ranch and in particular the “CEQA Development Envelope” around Castac Lake despite the presence of well-documented sacred sites. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY, of the Draft EIR includes a detailed discussion of the cultural resources in the Project area, and the Project's potential to impact them. The Draft EIR also includes Appendices F-1 and F-2, which represent the Phase 1 and Phase 2 Archaeological Studies prepared by W&S Consultants. These studies provide additional information regarding the indigenous settlements for the entire Tejon Ranch and environs.

The discussion and analysis in Section 4.5 focuses on the Project's development envelope, including the area around Castac Lake. The Project's development envelope was carefully drawn to avoid impacting cultural resource sites to the maximum degree practical. A total of 58 cultural resource sites were identified within the Specific Plan area during the Phase 1 survey. Of the 58 cultural resource sites identified, a total of 33 locations were determined to have the potential to be impacted by Project implementation. A Phase 2 survey was conducted on the 33 locations that could potentially be impacted by Project implementation. The Phase 2 survey was monitored by Native American representatives as explained on Page 4.5-28 of the Draft EIR. As indicated in Table 4.5-3, the results of the Phase 2 survey determined that 11 of the 33 locations proved to lack integrity or significance. The remaining 22 locations were determined to be significant, and avoidance or Phase 3 data recovery (salvage excavations) would be necessary. Of the remaining 22 locations 21 are proposed to be preserved in place. One site – CA-KER-6727 – identified as a camp during Phase 2 surveys, would either be preserved in place or require Phase 3 data recovery. As explained in the Draft EIR, avoidance and preservation of cultural resource sites is the primary mitigation strategy. With mitigation, all cultural resources impacts will be less than significant.

Response 47 C.

Commentor notes that the Draft EIR identifies cultural resources sites, but believes that this identification is not clear. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. As explained in Response 47-B, above, Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY of the Draft EIR, as well as Appendices F-1 and F-2, provide a detailed analysis of the cultural resources sites in the Project area. Commentor's specific concerns are addressed below.
Response 47 D.

Some commentors have expressed concern that the Draft EIR does not identify the exact locations of cultural resources identified at the Project site. Commentors have also expressed concern regarding the proposed treatment of identified cultural resources and mitigation of potential cultural resource impacts. These issues are extensively regulated by state and federal law. As a result, cultural resource impact analysis, significance determinations, mitigation, and the amount of information that must be provided to the public, is largely dictated by statute. The Draft EIR strictly follows these state and federal laws in its analysis of cultural resource impacts in Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY.

The existence of Native American burial sites and artifacts in and around the Project site must be analyzed in the EIR, to the extent that these cultural resources could be impacted by the Project and to enable the EIR to make recommendations for their treatment and protection. Public Resources Code §§ 21002 and 21002.1(a)-(b). However, in order to ensure the protection of these cultural resources, specific information regarding the location of Native American graves, cemeteries, sacred places, features, and objects, should not be disclosed to the public. See Government Code Section 6254(r) (exempting this information from Public Records Act disclosure requirements assuming it has been provided to the Native American Heritage Commission (NAHC) or a state or local agency). It is for this reason that the Draft EIR does not describe the exact location of those cultural resources identified at the Project site and assigns an identification number to each resource. See Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY. It should be noted that more detailed information regarding these resources (including more of a description regarding their location and features) is provided in the Phase II Cultural Resources Study, Draft EIR, Appendix F-2.

In order to balance the need to protect these resources during Project development, but prevent harm that could occur to the resources if their location is disclosed, Mitigation Measure 4.5-1 requires the Project proponent to provide a map indicating the location of identified archaeological sites to Kern County Planning Department, but also requires that this map be kept confidential. This allows the Project proponent and the County to ensure that identified resources are protected during earthmoving and excavation activities, that identified mitigation of these resources is implemented, and prevents potential Project impacts that could occur because of public disclosure of the resources' exact location. This meets the requirements of Public Resources Code Section 21002.1(b), to mitigate or avoid significant effects on the environment.

The required procedures for determining the significance of impacts on historical and archaeological resources and the required mitigation/treatment of cultural resources are set forth in Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4. The Draft EIR followed these requirements in its analysis and mitigation of the 58 cultural resource sites identified at the Project site. For purposes of organization, identification and mitigation, the Draft EIR classifies the 58 cultural resource sites into groups, based upon the Project's potential impact upon them. Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY.

Table 4.5-2 lists those sites that are located outside of the proposed development envelope. Id. "The [P]roject's direct impact to these sites would be minimal because these sites are located in permanent open space as identified on the Tejon Mountain Village Special Plan No. 1, Map 256" or because some of the sites are located outside of the Project boundary. Id. Because potential Project impacts to these sites are considered less than significant, no mitigation is required, and those sites that are within the Project boundary can be passively preserved. Id. This analysis and mitigation complies with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.
A Phase II survey was conducted on the 33 sites that had the potential to be impacted by implementation of the Project. Table 4.5-3 identifies 11 sites that lacked "integrity or significance", but for which there is potential to discover additional resources in their vicinity, and for which additional impacts could occur if unidentified resources were discovered during construction. Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY. The Draft EIR requires monitoring of these sites during grubbing and topsoil clearing to reduce these potential impacts to less than significant. Id. This analysis and mitigation complies with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.

Table 4.5-4 lists the remaining 22 sites that were found to be significant, such that avoidance or Phase 3 data recovery will be necessary in order to reduce Project impacts to less than significant. Preservation is identified for 21 of the 22 sites with only one site potentially subject to Phase 3 data recovery. Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY. This analysis and mitigation complies with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4. The Draft EIR also implements mitigation and required procedures for any additional cultural resource sites that are identified during pre-construction activities. See e.g., Mitigation Measure 4.5-3, requiring a pre-construction orientation meeting with earthmoving and excavation contractor employees, informing them of the potential for inadvertently discovered cultural resources and/or human remains, and protection measures to be followed.

Response 47 E.

Commentator objects to calling villages, settlements, and/or burial sites “prehistoric camps,” which commentator believes downplays their significance. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Commentator refers to Mitigation Measures 4.5-22 and 4.5-30, which provide that two cultural resources sites (CA-KER-4390 and CA-KER-6727) will be preserved in place. Use of the term "prehistoric camps" is not intended to misrepresent the significance of the activity that is thought to have occurred at the various cultural resource sites. The described activity is based on the results of Phase 2 surveys, which was monitored by Native American representatives.

Commentator also suggests that the Draft EIR represents the claims of Tejon Ranch, which, according to commentator, is responsible for displacing Native Americans. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 47 F.

Commentator states its opinion that inadequate mitigation is provided. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to Response 47-B regarding the mitigation approach for the identified cultural resources sites. Of the 22 cultural resource sites located within the development envelope, 21 will be preserved in place. Preservation is the preferred mitigation strategy. One site – CA-KER-6727 – will either be preserved in place or Phase 3 data recovery will occur prior to Project implementation. Eleven sites that were determined to lack integrity or significance will be monitored during grading operations to make sure additional features are not uncovered or disturbed. The remainder of the identified cultural resource sites are located within the 80% of the Project site to be protected as permanent open space.
Response 47 G.

Commentor objects to the use of textile matting and fill in order to build over a sacred site. Commentor states that additional independent analysis is necessary to determine the sufficiency of Project mitigation. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Commentor is correct that, in some instances, cultural resource sites will be capped and permanently protected through the use of geotextile matting and fill. Draft EIR at 4.5-31 to 4.5-33. Commentor does not explain the reason for its opposition to this mitigation approach. As explained in the Draft EIR, the geotextile matting and fill will be done under the observation and guidance of Native American monitors to ensure proper respect while completing the preservation activity.

Response 47 H.

Commentor states that her ancestors lived in many of the canyons surrounding Castac Lake, and that evidence of their settlements remain throughout the area. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

The Phase 1 and 2 archaeological surveys included in the Draft EIR as Appendices F-1 and 2 describe the Native American settlement patterns associated with Tejon Ranch including the area around Castac Lake. It should be noted that the Draft EIR, and the Phase I and Phase II reports provided in Appendices F-1 and F-2 of the Draft EIR, include an extensive discussion of the archeological setting of the proposed Project, including discussion about the cultural setting of the Project. The Phase I report analyzed background studies of published and unpublished reports, documents, maps, and other records concerning prehistory, ethnography, and history of the area. Although other sources of information about the region's history do exist, the Phase I report presents a thorough review of available literature available regarding the region's cultural history and was developed to present a balanced description of the area.

Response 47 I.

Commentor identifies the tribes that lived in the vicinity of Kashtiq, and states that Kashtiq is now under water due to Castac Lake expansion. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The comment regarding tribes inhabiting the area around Kashtiq is generally consistent with the ethnographic background information provided in the Phase 1 and Phase 2 archaeological survey reports. (Please refer to Appendices F-1 and F-2 of the Draft EIR.) Although the reports refer to the Chumash and Kitanemuk tribes, they do not specifically reference the Yowlumne tribe. However, the reports do reference the Yokut, Tataviam and Kawaiisu tribes. The Draft EIR analysis did not determine that the Kashtiq site is currently under water as referenced in the comment. Rather, as discussed in Mitigation Measure 4.5-17, the analysis indicated that the site of Kashtiq was previously capped and preserved in place.

Response 47 J.

Commentor states that General Beale forced the relocation of Native American tribes to the Sebastian Reserve and notes that the Reserve was located on Tejon Ranch. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The comment is generally consistent with information provided in Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY, of the Draft EIR and with Appendices F-1 and F-2, although the Draft EIR does not state that Beale "forced" the relocation of Native Americans. Please refer to Response 47-H, above, regarding the Draft EIR’s depiction of the region's cultural history.
Response 47 K.

Commentor states that the United States Government sued Tejon Ranch for the forced removal of Kitanemuk, Yowlumne and Chumash. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified.

Response 47 L.

Commentor states that Tejon Ranch has historically blocked access to the property, and therefore many settlements have not been identified. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The Phase 1 and 2 Archaeological Survey reports provided as Appendix F-1 and F-2 to the Draft EIR provide details regarding the extensive efforts that were taken to survey the entire Project area. Broad access to the Project area was provided for these studies.

Response 47 M.

Commentor states that she has reviewed depositions taken by archaeologist and translator J.P. Harrington in 1922, on behalf of the U.S. Government in its suit against Tejon Ranch for the forced removal of Native Americans. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please refer to Response 47-H, above, regarding the Draft EIR's depiction of the region's cultural history.

Response 47 N.

The comment describes depositions taken from Indian residents of the Tejon Ranch area who were removed from areas of the property. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 47 O.

Commentor states that the presence of Indian villages and sacred sites in the Castac Lake area are documented in additional sources, including archaeological studies of J.P. Harrington. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. References to J.P. Harrington’s work can be found in Appendix F-1, Phase 1 Archaeological Survey Report, Section 2.2, Ethnographic Background. J.P. Harrington is also referenced in the Phase 2 report included as Appendix F-2.

Response 47 P.

Commentor states that Frank Latta's biography of Jorge Jesus Lopéz also documents the presence of Indian villages and sacred sites in the Castac Lake area. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. References to Frank Latta's work can be found in Appendix F-1, Phase 1 Archaeological Survey Report, Section 2.2, Ethnographic Background. Frank Latta is also referenced in the Phase 2 report included as Appendix F-2.
Response 47 Q.

Commentor states that the "Ridge Route" chronicles of Bonnie Ketter Kane also documents the presence of Indian villages and sacred sites in the Castac Lake area. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. However, these comments do not affect the analysis of cultural resources included in the Draft EIR. The comment does not identify any new or different cultural resources, or question the significance of cultural resource impacts already identified, or the mitigation measures identified. Please see Response 47-H, above, regarding the Draft EIR's discussion of the region's cultural history.

Response 47 R.

Commentor states that Jennings and John Johnson's article, "The Trail to Kashtiq" also documents the presence of Indian villages and sacred sites in the Castac Lake area. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Information from Johnson’s 1978 article “The Trail to Kashtiq” was utilized in preparation of the Draft EIR. See Draft EIR, Appendix F-1, Section 2.2, Ethnographic Background. Additional reports prepared by Johnson were used in preparing the analysis as well, including: "Chumash Social Organization: An Ethnographic Perspective," "Ethnohistory of Mat'apxwelxwel," "The Indians of Mission San Fernando." In addition, the analysis references material jointly authored by Johnson and D. Earle such as Tataviam Geography and Ethnohistory. Jennings work is referenced in Section 5.2, Previously Recorded Sites, of Appendix F-1.

Response 47 S.

Commentor states that Johnson's article, in particular, notes the "pattern of placement" of the villages, and that archaeologist Kroeber determined that the canyons surrounding Castac Lake were named after villages in the mouth of those canyons. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Work by Kroeber is referenced throughout the Phase 1 and Phase 2 Archaeological Survey Reports, Ethnographic Background sections. See Draft EIR, Appendices F-1 and F-2.

Response 47 T.

Commentor states that Kroeber determined the canyons surrounding the Castac Lake were named after villages in the mouth of those canyons. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Kroeber’s work is referenced in the Native American place name discussion in Section 2.2 of the Phase 1 Archaeological Survey Report. See Draft EIR, Appendix F-1.

Response 47 U.

Commentor notes her familiarity with Castac Lake. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 V.

Please refer to Global Response 7.5.1, Castac Lake.
Response 47 W.

Commentor notes that a few years ago, Castac Lake got bigger with more water than she had seen in her lifetime. Commentor states that this was not a normal occurrence and stated that Tejon Ranch had "artificially filled the lake beyond its normal capacity and beyond its natural shoreline." As described in Global Response 7.5.1, the lake level has dramatically fluctuated over time but most recently filled naturally in 1994 and flooded naturally in 1999. Tejon Ranch representatives then began a management program at the lake to stabilize the lake level and maintain water quality based on the conditions that existed in 2000-2001 when the management program began. There is no record of any artificial lake fill above the lake's normal capacity. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 47 X.

Commentor notes that in 2001 she was informed that the original Lake Drive road, from Hwy 5/99 along the North Shore of Castac Lake, was underwater due to lake enlargement. As described in Global Response 7.5.1, this road was flooded and damaged by natural rainfall in 1999, and was then relocated as part of the lake management program that began in 2001. This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 47 Y.

Commentor states that the Village of Kashtiq is underwater, and suggests that how this happened in an environmentally sensitive area should be investigated. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to the Response to Comment 47-I, above. The analysis conducted for the Draft EIR did not conclude that Kashtiq is underwater. Portions of the site have been capped and preserved. However, the exact boundaries of the site are not completely known. Given the site's adjacency to Castac Lake and the historic fluctuation associated with lake levels, there may be unknown portions of the village site under water at any given time.

Response 47 Z.

Commentor states that Kashtiq must have been associated with a nearby burial site, which is also likely underwater, and states that such flooding is a violation of state and federal laws. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The village site is adjacent to Castac Lake. This area has been surveyed for cultural resources sites, and no burial site associated with Kashtiq has been identified. Without knowing the location of a possible burial site, it is not possible to determine if the burial site is under water due to fluctuating lake levels. Any violations of state or federal law associated with flooding of a potential burial site that previously occurred is outside the scope of these Final EIR responses to the Draft EIR.

Response 47 A2.

Commentor states that she was contacted by the NAHC to visit Tejon Ranch in September 2001, when a single burial site was damaged during excavation activities related to seismic testing. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. This comment is consistent with information provided on page 31 of Section 5.3, Newly Recorded Archaeological Sites, of Appendix F-1 of the Draft EIR.
Response 47 B2.

Commentor states that the single burial was found one-half mile east of Castac Lake, and notes that the archaeologist of record was Dave Whitley, and the Chumash on-site monitor was Richard Angulo. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Page 31 of the Phase 1 Archaeological Report (Appendix F-1) states that the burial was uncovered three meters below modern ground surface in a small north south canyon tributary to Castac Valley, one mile northeast of Castac Lake. Elevation of the ground surface is 1082 meters.

Response 47 C2.

Commentor describes what she observed upon arrival at the site. The commentor states that it was actually two burials and that bones were scattered about. The Phase 1 Archaeological Survey Report (Appendix F-1), under the heading GT-1 (this was the temporary identification assigned to the site, the final number is CA-KER-6704), includes a discussion regarding the events surrounding the uncovering of the human remains and explains actions taken to rebury the remains and protect and preserve the site. The Phase I report states that the trenching activity uncovered parts of at least three human burials and three intact hearths. Two archaeologist spent a full day screening the back dirt in order to recover human remains that had been disturbed by the excavation. The report states that, although a number of human bones were recovered by this effort, only one artifact was identified. The artifact was a core/cobble complex tool: a hammerstone. According to the report, the commentor was present during the screening process. The human remains were then reburied alongside the intact portions of burials in the trench and the trench was backfilled. The surface area of the trench was then covered with clean fill dirt, in order to ensure that any remains that still might be present in the backfilled trench soils would be protected and preserved.

Response 47 D2.

Commentor asks whether, given the large number of bones dispersed throughout the site, this was a cemetery. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The site has been preserved and no additional ground disturbance or testing has occurred. Therefore the existence of a cemetery is not known.

Response 47 E2.

Commentor states that, if the site was a cemetery, it had been plundered prior to her visit. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. There is no evidence in the Phase 1 report that the site had been plundered prior to the commentor's visit. Please refer to Response 47-D2, above. Whether this site was a cemetery is unknown.

Response 47 F2.

Commentor asks whether the site was a dumping site for isolated burials found elsewhere. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Page 31 of the Phase 1 Archaeological Report (Appendix F-1) states that the site was uncovered accidentally during geotechnical testing. There is no evidence in the report that the site was a dumping ground for isolated burials.
Response 47 G2.

Commentor states that these events should not have occurred if an archaeologist and on-site monitor had been at the site during the excavation. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The Phase 1 Archaeological Survey Report does not state if an archaeologist and/or monitor was on-site during the excavation work. Please refer to Responses 47-D2, E2 and F2, above. There is no evidence that this site was a cemetery, that it was plundered, or that it was used as a dumping site for isolated burials. Commentor does not provide any evidence for these possibilities.

Response 47 H2.

Commentor suggests what process should be followed when a Native American burial site is discovered at the Project site. The Project has followed and will continue to follow the statutory and regulatory requirements governing the discovery of human remains. See CEQA Guidelines Section 15064.5(d), California Health and Safety Code Section 7050.5, and California Public Resources Code Sections 5097.95, 5097.98, 5097.99 and 5097.991 and Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY

It should be noted that during the series of investigations that have occurred to date, only one of the sites was found to contain human remains. Id. The procedure governing the discovery of human remains is also governed by statutes and regulations. See CEQA Guidelines Section 15064.5(d), California Health and Safety Code Section 7050.5, and California Public Resources Code Sections 5097.95, 5097.98, 5097.99 and 5097.991. At the time it was discovered and pursuant to the requirements delineated above, Project archaeologists consulted with the NAHC and the individual who the Commission identified as the MLD. The Project will continue to comply with these statutory and regulatory requirements as the Project is developed, and in the event additional remains are identified.

Response 47 I2.

Commentor states that not a single funerary item was found with the human remains. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The statement contained in the comment is consistent with the information provided on page 31 of the Phase 1 Archaeological Survey Report (Appendix F-1).

Response 47 J2.

Commentor states that it is uncommon to uncover bones without funerary items. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. As explained on page 32 of the Phase I Archaeological Survey Report (Appendix F-1 of the Draft EIR), only a hammerstone was found at this site. The Phase I analysis concluded that the paucity of artifacts and other archaeological indicators suggest the site was a small dispersal camp, despite the presence of human burials on it.

Response 47 K2.

Commentor states that she told a Tejon Ranch employee that additional soil needed to be placed to cover the site and not to build a house or other building on the site. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Consultation with the commentor is noted on page 4.5-28 of the Draft EIR. The site in question was assigned the site number CA-KER- 6704. As requested by the commentor, no homes or other buildings will be constructed on top
of CA-KER-6704. As noted in the Phase 1 Archaeological Survey Report (Appendix F-1), additional soil was placed on top of the site. The portions of CA-KER-6704 protected with the prior capping will be protected in place. Please refer to Mitigation Measure 4.5-21.

Response 47 L2.

Commentor states that the Draft EIR repeatedly refers to Tejon Ranch's reliance on the "Tejon Indians" as Indian monitors. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Commentor is correct that page 4.5-28 of the Draft EIR states that members of the Tejon Indian Tribe were present as monitors at the Project site. Commentor's specific concerns regarding the use of the term "Tejon Indians" are discussed below.

Response 47 M2.

Commentor questions the use of the term "Tejon Indians" and states that this term does not apply to a specific group. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. As noted on page 4.5-28 of the Draft EIR, some of the monitors on the site identify themselves as members of the Tejon Indian Tribe. Please refer to Comment Letter 10 from NAHC identifying Tejon Indian Tribe as both the Yowlumne and Kitanemuk Tribes, and identifying a Chairperson (Kathy Morgan) of the Tejon Indian Tribe.

Response 47 N2.

Commentor states that several tribes – including the Chumash, Kitanemuk and Yowlumne – are part of the geographic reference to the Tejon Indian Tribe. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to Response 47-M2, above, regarding the Draft EIR's reference to the Tejon Indian Tribe.

Response 47 O2.

Commentor states that she does not refer to herself as a Tejon Indian Tribe member. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 47 P2.

Commentor questions the validity of the Tejon Indian Tribe. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to Response 47-M2, above, regarding the Draft EIR's reference to the Tejon Indian Tribe.

Response 47 Q2.

Commentor raises concerns regarding a possible business relationship between the Tejon Indian Tribe and the Tejon Ranch Company. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. The comment raises issues regarding potential business relationships that are outside the scope of the these Final EIR responses to the Draft EIR.

Response 47 R2.

Commentor states that, until this supposed business relationship is made transparent, Tejon Ranch should not be able to rely on the Tejon Indian Tribe. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Please refer to Response 47-M2, above,
regarding the Draft EIR's reference to the Tejon Indian Tribe, and Response 47-Q2, above, regarding the business relationship referenced by commentor.

Response 47 S2.

This comment suggests that “for Indian people” the condor “holds a very special place in our universe.” The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. To the extent the comment may refer to Native American belief systems in general as contrasted with the commentor's specific belief system, it should be noted that there are many Native Americans communities that did not have contact with or knowledge of the condor, or, if they did observe condors, may not have regarded the species in the same manner as the commentor.

Response 47 T2.

This comment suggests that the condor is “as highly regarded” as the eagle. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. To the extent the comment may refer to Native American belief systems in general as contrasted with the commentor’s specific belief system, it should be noted that there may be other Native American belief systems that do not regard the condor in the same manner as the eagle.

Response 47 U2.

Commentor states that the condor is the largest bird in North America, and that part of its habitat is, and has long been, on Tejon Ranch. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Commentor is correct that the California condor is a very large bird, which has long been present in the Tejon Ranch region. Please refer to Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR for a detailed discussion about the condor and the Project's potential impacts on the species.

Response 47 V2.

This comment states that the condor is the largest bird in North America and that part of the bird’s habitat includes “Tejon Ranchlands.” The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 47 W2.

Commentor states there was a time when condors were in abundance, as was the white wolf. Commentor notes that her tribe – the Yowllumne – got its name partly from the white wolf. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. A complete discussion of the life history of the condor is provided in Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR and accompanying technical reports. The Draft EIR does not analyze the white wolf, as this species is no longer present in the Project area.

Response 47 X2.

Commentor states that the white wolf or yowlits at one time inhabited the southern end of the San Joaquin Valley, and that her people were named after them as they inhabited the same geographical area. Commentor notes that the Yowlit is now extinct. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Response 47 Y2.

This comment suggests that biologists, the San Diego Zoo, the Los Angeles Zoo and the Peregrine Fund “came together” to give the condor “a fighting chance.” The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. It should be noted that the Peregrine Fund primarily operates the condor release program in Arizona. Several other entities and zoos have participated in the condor captive breeding and release program since 1987 when the last wild condor was captured.

Response 47 Z2.

This comment appears to be a sentence fragment concerning “delinquent condor teenagers.” The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 47 A3.

This comment suggests that AC8 was released to “mentor” teenage condors. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. According to a history of AC8 and another condor, AC9 that was coauthored by a Santa Barbara Natural History Museum biologist, “[O]n April 4, 2000, 14 years after her capture, AC8 was released and once again soared over her home territory in the Sespe Condor Sanctuary near the town of Fillmore in Ventura County, CA. She was the first wild born condor to be released back into the wild and it was the first time that a wild born California condor had flown free for almost 13 years.” Hamber 2003. The account also makes mention of a general desire for “original wild birds” to “act as mentors” for captive-bred, free-flying condors.

Response 47 B3.

This comment suggests that AC8 was born in the wild and considered the “matriarch of the condors.” The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. According to the history of AC8 and AC9 referenced in Comment A3, AC8 was born in the wild and is considered to be “a genetic ‘founder bird,’ having produced 16 offspring.” Hamber 2003.

Response 47 C3.

This comment states that AC8 was killed by two hunters on the “Tejon Ranchlands.”

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. In subsequent legal proceedings, a single individual pled guilty and was fined in conjunction with the illegal shooting of AC8. The case disposition was summarized in a May 15, 2003 Los Angeles Times article as follows:

A Kern County man pleaded guilty Wednesday in U.S. District Court to killing a California condor during a pig hunt in February at Tejon Ranch near Bakersfield. Britton Cole Lewis, 29, of Tehachapi pleaded guilty to violating a federal law protecting migratory birds. In a separate matter, he also pled guilty to a charge of illegally shooting a whitetail deer in Illinois and transporting its mounted head to California. Both are misdemeanors. Lewis will be sentenced Aug. 15, according to officials with the U.S. attorney's office in Sacramento. He faces up to six months in prison and a fine of $15,000 for violating the Migratory Bird Treaty Act. Kurt Stiefel, Lewis' attorney, declined to comment. Assistant U.S. Atty. E. Robert Wright, the prosecutor in the case, said no deals were struck before the defendant's arraignment.
Wednesday in federal court in Fresno. Although killing a condor is illegal under the Endangered Species Act, Lewis was not charged under that more stringent law because of a loophole created by a 1998 Justice Department policy requiring that a defendant know the creature in question was endangered. The act carries a more serious penalty: up to a year in prison and a $100,000 fine. With wing spans up to 10 feet, California condors are the largest birds in North America and one of the rarest birds in the world. Only 80 remain in the wild. The shooting has attracted national attention because the victim, Adult Condor 8, or AC-8, was one of the original participants in a $35-million captive-breeding program aimed at preventing the creatures' extinction. When AC-8 was found dead Feb. 13 at Tejon Ranch in Kern County, the U.S. Fish and Wildlife Service launched an investigation, with help from the California Department of Fish and Game. Lewis, who acknowledged in court Wednesday that he shot the bird while it was perched in a tree, was charged April 29.

Response 47 D3.

This comment states that AC8 was killed by a truck driver and a hunter while waiting “for the sun to come out to warm up and fly off.”

Comment noted.

Response 47 E3.

This comment states that the hunters related to the death of AC8 were on Ranch property “with a permit for pig hunting.”

Comment noted. The hunter was licensed to hunt wild feral pigs on the Ranch in accordance with a hunting program operated by TRC under a Private Land Management Plan annually reviewed and approved by the California Department of Fish and Game. The hunter was subsequently arrested and pled guilty to shooting AC8. Please see Response to Comment C3 for a summary of the hunter's case disposition.

Response 47 F3.

Commentor states that her Tribe attended the sentencing hearing for the two hunters who killed Adult Condor No. 8, and that public comment was not allowed at the hearing. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 G3.

Commentor notes her Tribe submitted a written statement through the Federal Attorney asking for the maximum sentence for these hunters. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 H3.

Commentor notes her Tribe attended a public meeting near Frazier Park regarding Tejon Ranch Corporation's seeking of a "take permit" pursuant to the Federal Endangered Species Act. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Commentor refers to a permit sought under the Federal Endangered Species Act and refers to the
Tehachapi Uplands Multi-Species Habitat Conservation Plan (TUMSHCP). Comments on the MSHCP or the Draft Environmental Impact Statement (EIS) prepared for it, and not on the Draft EIR are beyond the scope of these Final EIR responses to the Draft EIR.

Response 47 I3.

Commentor notes that at the public meeting her Tribe attended, she met representatives from Tejon Ranch and expressed the Tribe's lack of support for the requested take permit. Commentor notes this opinion was acknowledged. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Comments on the TUMSHCP or the Draft EIS prepared for it, and not on the Draft EIR are beyond the scope of these Final EIR responses to the Draft EIR.

Response 47 J3.

This comment states that the condor inhabited all of the western United States, Mexico, South America and Central America and that condor remains have been found in Florida.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. According to Snyder, Introduction to the California Condor (2005), Map 1, the California condor’s range was significantly smaller than indicated in comment J3. Other areas cited in comment J3, such as Central and South America, may have been occupied by the Andean or other condor species.

Response 47 K3.

Commentor notes that many tribes – including hers – honor animals, including the condor, and refers to the condor dance associated with her tribe. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Section 4.4, BIOLOGICAL RESOURCES of the Draft EIR analyzes the potential impacts associated with Project implementation and recovery of the condor.

Response 47 L3.

This comment states that the first Europeans in the condor’s range shot the birds to protect cattle and that the birds “became fewer and fewer.” The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. According to Snyder, The California Condor (2000) at 48, “It appears to have been recognized early that the California Condor was not a direct menace to livestock or children (although see Scott 1936a) and the species does not appear to have been persecuted to any significant extent for alleged threats to humanity.” Snyder (2000) at 44 also notes that California condors were subject to ritual sacrifice throughout their range by Native American tribes and that such activity could have had a “major” impact on condor populations (“Hudson and Underhay (1878) suggested roughly 100 square miles…per village for the Chumash region. If one assumes some generality to this figure and divides it into the rough known shared territory of condors and native Americans in California, just from San Francisco south to the Mexican border one arrives at a potential annual take on the order of 700 condors. Although this is no doubt an unreasonably high estimate for a variety of reasons—especially because the ceremonies often involved eagles rather than condors and were known to be less frequent than annual in many regions—it nevertheless is a staggeringly high number that still remains impressive even if divided by 10….Even if limited to nestlings, regular and widespread sacrifice could have had a major effect in view of the low reproductive rate of the species”).
Response 47 M3.

Commentor raises concern that the scarcity of condor feathers makes it impossible for her Tribe to practice specific religious ceremonies. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR analyzes the potential impacts associated with Project implementation and recovery of the condor.

Response 47 N3.

Commentor refers to the historic treatment of condors in North, Central, and South America and requests that the Draft EIR address this issue relative to their sacred role in Native American culture. An EIR must identify mitigation measures to minimize those significant effects on the environment and from the proposed project, as evaluated against the baseline of the existing physical conditions in the affected area. Public Resources Code §§ 21002.1(a); 21100(b)(3); Guidelines § 15126.2(a). For this reason, it is physical impacts of the Project on the environment that must be addressed in the Draft EIR.

However, to the extent that the Project will result in potential physical impacts on cultural resources, these are analyzed and mitigated in the Draft EIR Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY, and to the extent that the Project will result in potential physical impacts on biological resources, these are analyzed and mitigated in the Draft EIR Section 4.4, BIOLOGICAL RESOURCES. The Project design was modified, and many mitigation measures address, the ongoing protection of the California condor. See generally, Global Response 7.5.3 for a discussion of the California condor.

Response 47 O3.

To the extent that commentor expresses concern that the Draft EIR contains insufficient detail regarding the location and contents of cultural resources identified at the Project site, commentor is referred to the Response to Comment on this issue. To the extent that the commentor asserts that there are additional cultural resources at the Project site beyond the 55 cultural resource sites that the Draft EIR did analyze, the Draft EIR conducted extensive Phase I, Phase II, and Addendum Cultural Resource Studies in an attempt to identify any and all cultural resources at the Project site. See Draft EIR, Section 4.5, CULTURAL RESOURCES AND PALEONTOLOGY, and Appendices F-1, F-2 and F-3. Draft EIR, Section 4.5 also identifies mitigation measures to protect any additional cultural resources that may be identified during Project development. See e.g. Mitigation Measure 4.5-3. Accordingly, the Draft EIR meets the requirements of Public Resources Code Section 21002.1.

Response 47 P3.

Commentor correctly asserts that CEQA gives rise to protection of cultural resources. Commentor is referred to Response to Comment 47-O3 regarding the extensive investigation, analysis and mitigation that the Draft EIR affords cultural resources, in compliance with CEQA requirements, as well as to Response to Comment 47-D regarding laws and regulations governing CEQA analysis and mitigation of cultural resources.
Response 47 Q3.

Commentor asserts that CEQA requires certain protections for cultural resources. Commentor is referred to Response to Comment 47-D on this issue, regarding the Draft EIR's compliance with those statutes and regulations that guide cultural resource analysis and mitigation.

Response 47 R3.

Commentor expresses her hope that Tejon Ranch will consult with other non-biased Native Americans when conducting research in the future. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 S3.

Commentor attaches "Notes from Interviews and Depositions" prepared by Maria Chololo. The attachment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 T3.

Commentor attaches a second copy of "Notes from Interviews and Depositions" prepared by Maria Chololo. The attachment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 U3.

Commentor has attached a hand-written letter dated May 21, 1928. The letter is not legible. The attachment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 V3.

Commentor attaches an article entitled "A 'Serrano Woman of Tejon'" and a copy of "The Trail to Kashtiq" written by John R. Johnson. The attachments are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 47 W3.

Commentor includes as an attachment an article by John R. Johnson “The Trail of Kashtiq” 1978. The comment suggest that this article should be reviewed and included as a reference to the cultural resources section of the Draft EIR.

The cultural resources sections of the Draft EIR is supported by Draft EIR appendices F-1, 2 and 3. Appendices F-1 and 2 are the Phase 1 and 2 Archaeological Survey Reports for the Project. Both reports include substantial discussion regarding Native American settlement and use of the land currently referred to as Tejon Ranch. Material in both reports was based on a wealth of referenced material. The article provided was utilized in the preparation of both reports and is listed in the references. Additional reports prepared by Johnson were used in preparing the analysis including; The Trail to Kashtiq, Chumash Social Organization: An Ethnohistoric Perspective, Ethnohistory of Mat'apxwelxwel; The Indians of Mission
San Fernando and material jointly authored by Johnson and D. Earle such as Tataviam Geography and Ethnohistory.

**Response 47 X3.**

Commentor has attached a hand-written document that appears to be a transcript of an interview with Eugenia Mandey, a descendant of the Tejon Native American Tribe. The letter is mostly illegible. The attachment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 48

From: "Don Gunther" <bdgun@comcast.net>
To: <murphyc@co.kern.ca.us>
Date: 06/01/2009 11:32 AM
Subject: Draft environmental impact report

Although I Don't live in California or Kern County I must object to a large group of homes and businesses being built in this area. It is the area in which an endangered species lives and is teill barely existing. That is the California Condor. This beautiful bird is now located in two areas the Tejon Mountain area and Northern Arizona. It has been hand raised very carefully in the San Diego Zoo and Wild Animal park by very capable zoo personnel and nurtured by others who daily check them out in Norther AZ.

We have watched them at the Grand Canyon soaring and have been amazed by them as well as having seen them in northern AZ. Why do we always have to chase the animals and birds out of their areas? They are there before we even xcame to the US. Is it the same as we pushed the Indians off their land and put them in areas we did not want.

Don Gunther
4760 W. Red Wolf Dr.
Tucson AZ. 85742-8067
Cell 520 247-9740.

48-A

48-B

48-C
Comment Letter 48. Mr. Don Gunther (June 1, 2009)

Response 48 A.

Thank you for your comment. The comment from Don Gunther notes his objection to construction of homes and businesses in this area given, the presence of California condors. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for their consideration.

Response 48 B.

The commentor notes that the California condor is located in two areas: "Tejon Mountain" and Northern Arizona, and also notes that condors have been hand-raised in the San Diego Zoo and Wild Animal Park, and are nurtured by others who check them daily in Northern Arizona. As described in greater detail in Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES, the existing range of the California condor in California extends well beyond the Tehachapi Mountains into the southern Sierras, and also into the Coastal Range as far north as Monterey and San Benito Counties. There are also California condor populations in Mexico and Arizona. Further information about the range of the California condor is also included in Global Response 7.5.3. Also, as discussed in Section 4.4, of the Draft EIR, BIOLOGICAL RESOURCES, in Global Response 7.5.4.1, and in the Tejon Ranch California Condor Conservation and Management Plan (Appendix I to Appendix E-1 of the Draft EIR), California condors are now raised in several zoos and other authorized facilities, not just the San Diego facilities. The comment that condors are checked daily in Northern Arizona is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 48 C.

The commentor's personal observation of condors soaring at the Grand Canyon, and elsewhere in Northern Arizona, is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The commentor's question of "why do we always have to chase the animals and birds out of their areas" is noted, but as explained in Section 4.4 of the Draft EIR, BIOLOGICAL RESOURCES, and Global Response 7.5.3, California condors that have been released and are being closely monitored have not been "chased out" of areas with even quite high levels of human activity, such as the South Rim of the Grand Canyon (near the visitor's center) and in rural communities in California and Arizona. Finally, the commentor compares "chasing" the condors out of the area as being similar to "pushing the Indians off their land." This comment is noted for the record and will be brought to the attention of the Planning Commission and Board of Supervisors.
Comment Letter 49

From: Dennis Law <tokaygeeko@rocketmail.com>
To: <Murphyec@co.kern.ca.us>
Date: 06/09/2009 4:32 AM
Subject: Tejon Mountain Village Impact report

Hello

I read some of the report from http://www.co.kern.ca.us/planning/pdfs/eirs/envirodoc.pdf. I will say I don't like it. One you do not give the people up here the time to read the 6 foot of info. Check on The Mountain Enterprise and a limited time to read it. If you gave us time to read it and understand it and ask question that would be ok.

When I live in Santa Clarita 18 years ago. It was like Frazier Park. Mybe larger. The air was nice and such. Now it all light and smog trap. stop light every few mins and you waste gas. Hello SMOG. Now you want to do it to Frazier Park. We left the valley to get away from traffic light and traffic, smog, Lights and Crime. We like a small town feeling not a smog congested town or city.

Now I am looking after the elderly or people who have disability are having a hard time breathing in the valley so they move up here why? clean air and less traffic. Easier for them to drive and NO SMOG no traffic.

My dad has a Laranctome basically no Wind pipe or what called a neck Breather. Traffic equal smog, elderly and disable it harder for them to breath. Here we can drive and breath. Valleys we can not.. I watch my dad in Bakerfield or LA and my dad can not handle the air for more then a few hours. You really want to bring that up here.

One we do not need golf corses up here to take away from the wildlife. I like to see a bear or Deer once in a while. I love seeing the condors and other wildlife. Where can we see this in the valleys.

What I will say I do not like your idea scale it down. We dont want a city up here.

Thank You
Dennis Law
Comment Letter 49. Mr. Dennis Law (June 9, 2009)

Response 49 A.

Thank you for your comment. The comment from Dennis Law notes that he has reviewed some of the Draft EIR and expresses his opinion that inadequate time was provided for review of the Draft EIR. Please refer to Response to Comment 25-C and Response to Letter 59.

Response 49 B.

The commentor notes that when he lived in Santa Clarita 18 years ago it was similar to Frazier Park, with good air quality. Now the air in Santa Clarita is full of smog, which is why commentor moved to Frazier Park. The commentor also notes that he moved away from the valley to escape traffic light and traffic, smog, and crime. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 49 C.

The commentor notes that increased traffic as a result of the proposed project will have a direct link to the amount of smog that is generated in the region. As someone who looks after elderly people and people with disabilities who have moved to the region, the commentor is concerned that the proposed project will generate air impacts that will negatively affect the elderly who benefit from lower levels of smog and less traffic. Section 4.3 of the Draft EIR, AIR QUALITY AND CLIMATE CHANGE, contains a detailed evaluation of air quality impacts, including the pollutant that contributes most to smog (ozone), as well as mitigation measures to protect air quality, including ozone. These mitigation measures will reduce Project emissions from both construction (see Draft EIR at 4.3-113 to 4.3-118) and operational activities. See Draft EIR at 4.3-128 to 4.3-136. The Draft EIR also demonstrates that other mitigation measures would not be feasible. Draft EIR at 4.3-189 to 4.3-208. After imposition of all feasible mitigation measures, the Draft EIR concludes that the Project would have significant and unavoidable impacts on air quality impacts in both the San Joaquin Valley Air Basin (SJVAB) – in which Bakersfield is located – and in the South Coast Air Basin – in which Los Angeles is located. However, it should be noted that the Project has committed to reducing all of the Project’s NOx, ROG and PM impacts within the SJVAB by entering a Voluntary Emission Reduction Agreement with the San Joaquin Valley Air Pollution Control District. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 49 D.

The commentor notes that he is not in favor of golf courses that take away from wildlife or their ability to move freely within the project area. The Draft EIR discusses potential impacts from golf courses, including potential impacts on wildlife, in several sections, including Section 4.4, BIOLOGICAL RESOURCES. The Project includes various mitigation designed to reduce potential impacts from construction and operation of two golf courses to a level that is less than significant, including Mitigation Measures 4.3-6, 4.4-20, 4.6-23, 4.7-17, 4.8-21, 4.8-22, 4.8-23, 4.8-24, 4.8-34, and 4.8-38. The Draft EIR does not identify adverse wildlife impacts from Project golf courses. Commentor also notes that he likes to see deer, bears, condors, and other wildlife. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The commentor questions where condors and other wildlife can be seen in the valleys. It is assumed that the commentor is referring to valleys within the Project site. The valleys and wildlife within the Project site are described in Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR.
Response 49 E.

The comment provided by Mr. Dennis Law states that he does not like the scale of the Project, as he believes that it will result in a new city in the project area. Mr. Law is requesting that the project be scaled down. The commentor's objection to the scale of the Project, and opposition to development located in this area, is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
Comment Letter 50

LEO MARK HINDS
A Professional Law Corporation
1929 20th Street
Bakersfield, California 93301

Via Facsimile & Hand Delivery

Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, California 93301

Re: Tejon Mountain Village Specific and Community Plan

Dear Ladies and Gentlemen:

As a matter of introduction, I represent Longbow, LLC. This correspondence provides Longbow, LLC’s comments regarding the Tejon Mountain Village Specific and Community Plan and the Tehachapi Uplands Multi-Species Habitat Conservation Plan (“TUMSCHP”).

In April of 2004, Longbow, LLC acquired two oilfield leases located in the area commonly referred to as Comanche Point. Such acquisition was the beginning of a mutually beneficial and profitable business relationship between Longbow and Tejon Ranch Company. All credible evidence to this date supports the conclusion that Longbow has been a good steward of the property. At Tejon Ranch’s request, Longbow significantly cleaned up the property and got rid of the pumper that lived on the property.

For your convenience, please find enclosed herewith copies of the two Comanche Point oilfield leases held by Longbow, LLC (the “Leased Acreage”).

We understand that Longbow’s Leased Acreage is part of the TUMSCHP, which is part of Tejon Mountain Village Specific and Community Plan. This causes Longbow great concern for the two enclosed leases provide Longbow with “sole and exclusive” possession of the Leased Acreage excepting to the owner certain limited rights to use the surface.

Allow me to draw your attention to paragraph number 3 of the lease originally between Tejon Ranch and The Hall-Baker Co. dated June 28, 1939 and paragraph number 3 of the lease originally between Tejon Ranch and El Tempo Co. dated April 1, 1942. Both leases provide the Lessee with “sole and exclusive” possession of the land. The surface rights reserved to the owner do not include dedicating the land as a wildlife preserve. Such action would cause Longbow significant damages and deprives Longbow of its real property rights to the Leased Acreage.
County of Kern

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Kern County Planning Department
July 13, 2009
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We request that Kern County Planning consider these comments and recognize that Tejon Ranch does not stand in a position to dedicate the Leased Acreage as a wildlife preserve. As Kern County Planning considers the Tejon Mountain Village Specific and Community Plan and Tejon Ranch Company’s offer of mitigation acreage, please keep in mind that the Leased Acreage cannot be a part of the mitigation acreage. In the event you desire to discuss this matter, please do not hesitate to telephone the undersigned.

Thank you for your attention to these concerns, and, please inform me in writing of Kern County Planning’s position on this matter.

Very truly yours,

[Signature]

Enclosures

[Mark Hinds]
Comment Letter 50, Cont.

This deed requires I.R.R.
I.R.R. $1.00 Cancelled.

Joint Tenancy Deed

JAY A. HUNNAN and ELIE A. HUNNAN, husband and wife, in consideration of Ten
and no/100 Dollars, to them in hand paid, the receipt of which is hereby acknow-
leved, do hereby GRANT to LEE SWAINHURST and WAVE LEE SWAINHURST, husband and wife,
as Joint Tenants, all that real property in the County of Kern, State of California,
described as:

The South 50 feet of the North 100 feet of Lots Eleven (11), Twelve (12),
Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16) in Block Fifty-eight
(58) of Drury’s Addition to the Town of Kern, as shown on the Amended Plat of a part
of Drury’s Addition to the Town of Kern, recorded June 9, 1932 in Book 1 Page 55
of Maps in the Office of the County Recorder of said County.

WITNESS our hands this 19th day of June, 1939.

Jay A. Hunnan
Elie A. Hunnan

STATE OF CALIFORNIA
COUNTY OF KERN

On this 20th day of June, 1939, before me, HARRY V. MILLER, a Notary Public
in and for said County and State, personally appeared JAY A. HUNNAN and ELIE A. HUNNAN,
husband and wife, known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged that they executed the same.

WITNESS my hand and official seal.

(SEAL) Harry V. Miller
Notary Public in and for said County and State.
My Commission Expires July 10, 1939.

Recorded at Request of Bakersfield Abstract Co. Jul-1-1939 at 9 A.M. in Book

Chas. H. Rossmore, Recorder
By Frances Carrillo, Deputy Recorder

1949
Compared By: X
Checked By: X

Oil and Gas Lease

This indenture of lease made this 29th day of June, 1939, by and between
TEJON RANCH CO., a California corporation, hereinafter called “Owner,” and HALL-BAKER CO., a California corporation, hereinafter called “Lessee,”

WITNESSETH:

That Owner, for and in consideration of Ten Dollars ($10.00) and other
valuable considerations to it in hand paid, the receipt and sufficiency of which
are hereby acknowledged, and of the covenants and agreements hereinafter contained
on the part of Lessee to be paid, kept and performed, hereby grants, deeds and
leases to Lessee, for the purpose of development for oil, gas and other hydro-
carbon substances, all those certain parcels of land situate in Kern County,
California, and more particularly described as follows, to-wit:

Parcel 1.

That portion of Rancho El Tejon, in the County of Kern, State of California,
patented by the United States of America to JOSÉ ANTONIO MORENO and DIOMAR DEL
VALLE, by Patent recorded in Book 2, Page 28 of Patents, records of said
County, described as follows:

Beginning at a point in the western boundary of said Rancho said point
being the East quarter corner of fractional Section 1, Township 10 North, Range 39

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...
Comment Letter 50, Cont.

3 1/2 miles from said Southeast corner of the Northeast quarter of said fractional Section 25; thence due East to a point in the Southeastern boundary line of said Rancho El Tejon; thence Southwesterly along said boundary line to the most Southwest corner of said Rancho, being Corner No. 2, thereof; thence Northwesterly and parallel to the Northernly line of said Rancho Ojotes to a point in the Westernly boundary line thereof; thence Northwesterly and Northerly along said Westernly boundary line to the Northwest corner of said Rancho, being Corner No. 13, thereof; said point also being the Northwest corner of fractional Section 13, Township 10 North, Range 20 West, S. B. R. & M.; thence Northerly along the Northerly boundary line of said Rancho Ojotes to corner No. 13, thereof; said point being also described as the Southeast corner of fractional Section 14, Township 10 North, Range 19 West, S. B. R. & M., and also being a point in the Westernly boundary line of said Rancho El Tejon; thence Northerly along said Westernly boundary line to the point of beginning.

Also that certain tract or land situated in the County of Kern, State of California, described as follows:

The Northwest quarter (NW 1/4) and the Southeast quarter (SE 1/4) of Section 9, Township 12 North, Range 13 West, S. B. R. & M.

The Northeast quarter (NE 1/4) of Section 12, the West half (W 1/2) and the Northeast quarter (NE 1/4) of Section 6; the Southeast half of the South half of the Northwest quarter (NE 1/4) of Section 6; the Northeast half of the Northwest quarter (NE 1/4) of Section 12; the South half (S 1/2) of Section 31; and the South half (S 1/2) of fractional Section 36, all in Township 11 North, Range 19 West, S. B. R. & M.

All of fractional Section 1; all of Section 2; the East half (E 1/2) and the Southwest quarter (SW 1/4) of Section 3; the West half (W 1/2) of Sections 3, the South half of the South half (S 1/2 of S 1/2) of Section 5; the West half (W 1/2) of the Southeast quarter (SE 1/4), and the West half of the Northeast quarter (NE 1/4) of Section 6; all of Sections 7, 8, 9, 10, 11 and fractional Section 12; all in Township 10 North, Range 19 West, S. B. R. & M.

PARCEL 3.

That portion of Rancho El Tejon in the County of Kern, State of California, patented by the United States of America to Jose Antonio Arize, Ignacio Del Valle, by Patent, recorded in Book 2, Page 4, of Patents, records of said Kern County, described as follows:

Beginning at a point in the westerly boundary line of said Rancho El Tejon, said point being also the Southeast corner of Section 31, Township 12 North, Range 20 West, S. B. R. & M.; thence Northerly along said Westernly boundary line 30.5 the Southwest corner of fractional Section 14 of said last mentioned Township and Range; thence Easterly along said boundary line to the Southeast corner of said fractional Section 14; thence Northerly along said boundary line to the Southeast corner of fractional Section 12 of said last mentioned Township and Range; thence Easterly along said boundary line to the Southeast corner of said fractional Section 12; thence Northerly along the Easterly line of said fractional Section 12 to the Southeast corner thereof; thence Easterly along the Southern line of Section 1 of said last mentioned Township and Range to the Southeast corner thereof, thence, leaving said boundary line, due South to a point in the Easterly extension of the South line of said Township 32 South, Range 29 East, S. B. R. & M.; thence Easterly along said Easterly extension of the South line of said Township 32 South, Range 29 East, S. B. R. & M. to the point of beginning.

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ways, highways, easements and rights of way of every nature, within all of the
above described land;
subject to all matters of record and to unrecorded rights of parties now in
possession, which unrecorded rights of parties now in possession, Owner warrants
do not extend to any right in or to the oil, gas or other hydrocarbons substances
in or under said land or the right to produce or save the same.

1. TERM OF LEASE. This lease shall continue for a period of five years from
the date hereof and, unless sooner terminated in accordance with the provisions of
paragraphs 23 or 26 hereinafter, for as long thereafter as Lessee shall produce
oil, gas or other hydrocarbons from the leased land or shall comply with the
provisions hereof or be excused therefrom.

2. LESSEE'S PERFORMANCE RIGHTS. Lessee shall have the right to enter upon
the leased land and make such geological surveys and tests and, in connection
therewith, to drill such exploratory holes or wells as Lessee may elect. Lessee
shall have the sole and exclusive right of prospecting the leased land, of drilling
for and removing oil, gas or other hydrocarbons from said land, and to establish
and maintain on said land such tanks, boilers, offices, camps, houses, engines, plants
and other appurtenances and equipment, power lines, telephone lines, pipe lines, roads,
and other appurtenances which Lessee may deem necessary or convenient in the
operation, production, storage, or processing of oil, gas or other hydrocarbons
from said property and from lands in the vicinity. Lessee shall have the right
during the term of this lease to drill for, develop, and use free of royalty such
water on said land as it may require in its operations.

3. OWNER'S RESERVED RIGHTS. The possession by Lessee of the leased land
shall be sole and exclusive excepting that Owner reserves the right to occupy and
use, without prejudice to lessee, the surface of said land or any part thereof
for the construction and maintenance of such facilities as may be reasonably
necessary for the handing of Owner's royalty oil which Owner may be entitled under
the provisions hereof to take in kind, and for agricultural, grazing, business,
gravel and sand pits and other like uses, subject to the same not at the
time interfere with the rights and operations of Lessee. Lessee shall conduct
its operations so as to interfere as little as practicable with Owner's reserved
uses of the leased land from time to time, bearing in mind Lessee's paramount
right to obtain and remove all oil, gas or other hydrocarbons at the place or places
and at the time best adapted therefor. Lessee shall drill no well within 150 feet of
any dwelling house now on the premises without the written consent of the owner
of the land upon which such buildings are located. Upon written requests from Owner,
Lessee shall fence its well holes and bore below pipe depth all pipe lines placed
by it upon the leased land. Owner may have the use of any water or gas developed
by Lessee on the leased land for its domestic and water pumping purposes so long as
the same is not sold or required by Lessee in carrying on its operations hereunder.

4. TEST WELLS.

(a) First Well. Lessee shall and hereby agrees to commence the drilling
of a well which will or may well or wells substituted therefor as hereinafter
provided is herein referred to as the "first well" at some point on the
leased land within 90 days from the date hereof, and to commence the
drilling of such well continuously and with reasonable diligence until a depth of 5,000 feet
has been reached unless oil or gas is found in paying quantities at a lesser
or unless granite, dolomite, or other rocks determined by Lessee to be non-

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the basement complex is or are encountered at a lesser depth, or unless zones shall be known to underlie any strata of sand known to occur in the Eocene zone in the district is encountered at a lesser depth, or unless such mechanical difficulties are encountered in the prosecution of the drilling of such well as to cause Lessee to abandon such well. In the event of the abandonment of such well because of mechanical difficulties, but not because of the occurrence of any other events thereafter provided as causes permitting Lessee to discontinue further drilling of such well, Lessee shall and hereby agrees to commence the drilling of a substitute well at some point on the leased land within 60 days after the abandonment of such well and thereafter prosecute the drilling of such substitute well in the same manner and subject to the same conditions as herein provided as to the first well.

In the event of the abandonment of the substitute well because of mechanical difficulties, but not because of the occurrence of any other events thereafter provided as causes permitting Lessee to discontinue further drilling of such well, Lessee shall and hereby agrees to commence the drilling of a second substitute well at some point on the leased land within 60 days after the abandonment of the first substitute well and thereafter prosecute the drilling of such second substitute well in the same manner and subject to the same conditions as herein provided as to the first well; and Lessee shall in like manner continue the drilling of wells on the leased land until a well (not abandoned because of mechanical difficulties) shall have reached a depth of at least 6,000 feet unless oil or gas is found in paying quantities at a lesser depth or unless granite, schist, or other rocks considered by Lessee to be a part of the basement complex is or are encountered at a lesser depth, or unless Eocene shale known to underlie any strata of sand known to occur in the Eocene zone in the district is encountered at a lesser depth.

(b) Second Well. If oil or gas shall not be discovered in paying quantities by Lessee in said "first well," then within ninety (90) days after drilling and/or such testing as may reasonably be necessary has ceased upon said "first well," (and for the purpose of determining the time between wells, not over thirty (30) days shall be included for testing,) Lessee shall and hereby agrees to commence the drilling of a second well (which well or any well or wells substituted therefor as hereinafter provided is hereinafter referred to as the "second well") at some point on the leased land and to prosecute such drilling in the same manner and subject to the same conditions as herein provided as to the "first well."

(c) Subsequent Drilling Prior to Discovery of Oil or Gas.

If oil or gas shall not be discovered in paying quantities by Lessee in said "second well," Lessee shall commence the drilling of a third well at some point on the leased land within ninety (90) days after drilling and/or such testing as may reasonably be necessary has ceased upon said "second well," (and for the purpose of determining the time between wells, not over thirty (30) days shall be included for testing) and shall diligently and continuously prosecute the drilling of such well until oil or gas is found in paying quantities, or to a depth at which further drilling would in the judgment of the Lessee be unprofitable; and Lessee shall thereafter keep at least one string of tools continuously employed with not more than ninety (90) days' interval between the creation of drilling and/or of such testing as may reasonably be necessary on one well and the commencement of drilling on another (and for the purpose of determining the time between wells, not over thirty (30) days shall be included for testing) in drilling wells upon the leased land until oil or gas in paying quantities is discovered by Lessee or on the leased land.

5. ALL WELLS DRILLED WITH DILIGENCE TO DISCOVERY OR ABANDONMENT. The work of drilling any well required by the terms of this lease shall, after the commencement.
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...thereof, be continued with due diligence to a depth where oil and/or gas is discovered in paying quantities and the well completed, or to a depth where the well in the judgment of Lessee is demonstrated to be unsuccessful or unprofitable and abandoned. Nothing in this paragraph shall relieve Lessee of its duties as provided in sub-paragraphs (a) and (b) hereof.

6. PAYING QUANTITIES. "Paying Quantities" is hereby defined as the output from any well that is capable of producing, as shown by a 30-day test, such an amount of oil and/or gas as an ordinarily prudent and experienced operator would, in the light of all surrounding conditions, consider reasonably profitable to drill for and produce.

7. NUMBER OF WELLS AFTER DISCOVERY. (a) If oil or gas is found in paying quantities in any well drilled by Lessee pursuant to Paragraph 4 hereof upon Parcel 1 or 2 of the leased land, Lessee shall within 90 days after the completion of such well commence to drill a second well upon said Parcel 1 or 2 and thereafter commence to drill a third and fourth well on said Parcel 1 or 2, with an interval of not exceeding 30 days between the commencement of the second well and the commencement of the third well and between the commencement of the third well and the commencement of the fourth well, and shall thereafter (except as hereinafter expressly otherwise provided) keep three strings of tools in continuous operation in drilling wells upon said Parcel 1 or 2 (among strings may be used on either Parcel 1 or Parcel 2 or both of said Parcels at Lessee's election), allowing not more than 90 days between the completion or abandonment of one well and the commencement of actual drilling in the next well, until there shall have been completed upon both Parcel 1 and 2 as many wells as shall equal the total acreage of said Parcel 1 and 2 then held under this lease divided by twenty; such number of wells shall be on average regardless of where drilled on said Parcel 1 and 2, and shall include offset wells; provided that (1) not less than one of said three strings of tools shall be kept in continuous operation during said time on Parcel 1 and (2) Lessee shall not at any time, in any event, be obligated to (but may in its discretion operate more than one string of tools upon said Parcel 1 or operate more than two strings of tools upon said Parcel 2. All of the foregoing is expressly made subject to the provisions of subparagraph (a) of this paragraph 7.

(b) If oil or gas is found in paying quantities in any well drilled by Lessee upon Parcel 3 but not in any well drilled upon Parcel 1 or Parcel 2, Lessee shall thereafter continue drilling upon said Parcel 1 or 2 as provided in sub-paragraph (a) and shall not be required to drill upon said Parcel 1 or Parcel 2 in any manner other than as therein provided or with more than one string of tools until discovery of oil or gas in paying quantities on either Parcel 1 or Parcel 2 whereupon the provisions of subparagraph (b) shall govern further drilling on Parcel 1 and 2. If oil or gas is found in paying quantities in any well drilled by Lessee on Parcel 3, whether or not oil or gas shall have therefore been found in paying quantities in any well drilled either on Parcel 1 or Parcel 2, Lessee shall within 90 days after the completion of such well on Parcel 3 commence to drill a second well upon said Parcel 3 and thereafter (except as hereinafter expressly otherwise provided) keep one string of tools in continuous operation in drilling wells upon said Parcel 3, allowing not more than 90 days between the completion or abandonment of one well and the commencement of actual drilling in the next well, until there shall have been completed upon said Parcel 3 as many wells as shall equal the total acreage then held in Parcel 3 under this lease divided by twenty; such number of wells shall be on average regardless of where drilled upon said Parcel 3, and shall include offset wells; provided that on or
before three years from and after the date hereof Lessee shall in any event commence to drill a well upon said Parcel 3 and shall thereafter (except as hereinafter expressly otherwise provided) keep at least one string of tools in continuous operation in drilling wells upon said Parcel 3, allowing not more than 90 days between the completion of or abandonment of one well and the commencement of actual drilling in the next well, until there shall have been completed upon Parcel 3 as many wells as shall equal the total acres then held under Parcel 1 or this lease divided by twenty; such number of wells shall be an average regardless of where drilled and shall include offset wells.

(a) If oil or gas is found in paying quantities in any well drilled upon Parcels 1 or 2 and oil or gas is also found in paying quantities in any well drilled upon Parcel 3 by Lessee, Lessee shall keep at least three strings of tools in continuous operation in drilling wells upon Parcels 1 and 2 as provided in sub-paragraph (a) and at least one string of tools in continuous operation in drilling wells upon Parcel 3 as provided in sub-paragraph (b).

(d) Lessee shall not be required to but may drill more wells on any or all of said parcels than those above specified. Lessee shall at all times during which this lease is in effect have the right to operate, deepen, rework and properly maintain all wells upon the leased land.

(e) In the event that, at any time during the term of this lease, Lessee shall surrender to Owner a portion of said leased lands in Parcels 1 or 2 so that (1) the number of acres held under this lease in said Parcels 1 and 2 does not exceed 10,000, then and thereafter Lessee shall not be required to operate upon said Parcels 1 and 2 more than two strings of tools; and (2) the number of acres held under this lease in Parcels 1 and 2 does not exceed 5,000, then and thereafter Lessee shall not be required to operate more than one string of tools upon said Parcels 1 and 2 (in which latter event such string of tools may be operated on either Parcel 1 or 2 at Lessee's election).

6. OFFSET WELLS. In the event any well on adjacent properties (not at the time belonging to Owner) within 350 feet of the boundary line of the leased land shall hereafter cease or be abandoned and thereafter produce oil or gas in paying quantities over a test period of thirty (30) days, Lessee shall commence the drilling of an offset well to offset such competing well within 60 days after the completion of such 30 day test period unless a well already drilled or drilling on the leased lands is so located as to constitute an offset well as herein provided. Offset wells shall be located within 350 feet of the boundary line separating the properties and within 350 feet of a line drawn from the well to be offset to the nearest point on said boundary line and extended through the leased land, and shall be drilled to the same depth from which such competing well is producing. It is specifically understood the obligation herein described to drill offsets to wells on adjacent land shall be applied equally to each and every separate oil or gas well or zone from which oil or gas may be produced within the offset distance. One well, if otherwise meeting the conditions specified, may constitute an offset to two or more wells on adjacent property. Nothing herein contained shall require Lessee to drill at any time on either Parcel 1, 2 or 3, or on any of them, with more than the number of strings of tools required by the terms of this lease to be operated on any such parcel. Each offset well so drilled shall be counted as one of the principal wells hereinafter provided to be drilled by Lessee. It is further agreed that in the event Lessee shall have drilled on the leased lands the maximum number of wells provided in the proceeding paragraph,
Leasees shall nevertheless drill any additional well or wells which may thereafter be required as offset wells under the provisions of this paragraph. All obligations of the Leasees in respect of drilling wells on the leased land to protect it from drainage to other lands are herebyfore fully expressed in this paragraph 8; and no further obligation to drill wells for the purpose of protecting the leased land from drainage to other lands shall be implied.

9. GAS WELLS. If with respect to any or all of said Parcels 1, 2, and 3, oil is not discovered in paying quantities in any well provided to be drilled hereunder and gas is discovered in paying quantities, Leasees may operate such parcel or parcels for gas. In such event, the number of wells to be drilled by Leasees shall be reduced so that Leasees shall not be required to drill in excess of one well for each 160 acres contained within such parcel or parcels, upon which gas only has been discovered, including offset wells. If, at any later period, oil should be discovered in paying quantities on such parcel or parcels, then this lease shall, with respect to such parcel or parcels, revive as an oil lease and all conditions herein stipulated as to drilling for oil shall become effective dating from the date of said discovery of oil.

10. OPERATION OF WELLS. Leasees shall carry on all operations in a careful, workmanlike manner, and in accordance with the laws of the State of California, and shall diligently, in accordance with good oil field practice and subject to the provisions of paragraph 11, pump and operate each well completed by it on said premises so long as any such well produces oil or gas in paying quantities; but, at the option of Leasees, in conformity with any conservation or curtailment program affecting the production of oil or gas from the leased land, which Leasees may either voluntarily or by order of any authorized governmental agency enforce or be subject to, provided that any such voluntary curtailment shall be reasonable and fair to Owner in light of surrounding conditions; provided that Leasees shall not voluntarily curtail any offset wells to any greater extent in relation to potential production than competing wells are being curtailed. Time consumed in cleaning out, repairing, deepening, or improving any producing well or its necessary appurtenance shall not be construed or deemed as an interruption of the covenant requiring diligent operations of producing wells.

11. SUSPENSION OF OPERATIONS. Drilling and pumping operations shall be suspended on the leased land to event they are prevented by the elements, accidents, strikes, locks, riots, delays in transportation, or when in violation of any governmental order or regulation, or other causes beyond the reasonable control of Leasees, or, after discovery of oil on the leased land, so long as the proceeds for all of the quality produced on said property shall be less than fifty (50) cents a barrel at the well (except that Leasees shall, regarded as of the price of oil, produce offset wells when competing wells are being operated and drill any offset wells required under the provisions of Paragraph 8 hereof); but Leasees shall in such case with the diligence resume drilling or producing as soon as such preventing causes shall cease to operate.

12. Royalties on Oil. Leasees shall pay to Owner on or before the 25th day of each calendar month, as royalty on said land, one-sixth of the value of all oil removed from the leased land during the preceding calendar month. If the oil is taken by Leasees for its own account, such value shall be deemed to be the average price published, offered and paid generally for oil of like quality and gravity in all of the oil fields in Kern County on the date of shipment from the leased land, determined as follows:

There shall first be computed the average price in each of said fields for
all of like quality and gravity published, offered and paid generally by STANDARD OIL COMPANY OF CALIFORNIA, SHELL OIL COMPANY, UNION OIL COMPANY OF CALIFORNIA, GENERAL PETROLEUM CORPORATION OF CALIFORNIA, THE TEXAS COMPANY, and TIDewater ASSOCIATED OIL COMPANY, or by such of the companies named as publisher, offer and pay prices in said field. Each average shall then be taken of such average prices in all of the several fields by dividing the sum of such average prices by the number of fields taken into account. Such procedure shall pertain for the determination separately of the value of each different gravity and quality of oil produced and saved from the leased lands.

If the oil is sold to others, such value shall be deemed to be the price actually received by Lessee thereof. If during any month a portion of the entire quantity of oil produced shall be sold and another portion thereof taken by Lessee for its own account, it shall be deemed, for purposes of royalty accounting and payment as aforesaid, that similar proportions of Lessee’s royalty share of such oil were sold by Lessee and taken by Lessee for its own account. If oil produced from the leased land shall require treatment or dehydration to render it marketable as clean or pipe line oil and Lessee shall treat its own oil or cause the same to be treated in the field, Lessee shall treat Owner’s oil and in such event Owner shall pay Lessee Owner’s proper proportion of the cost (exclusive of overhead expenses and in no event to exceed five (5) cents per barrel) of said treatment or dehydration and, in addition, the cost of transportation to and from the treating plant, if same is located off the premises. Royalty on oil, when payable in money, shall be based on the net quantity as gauged from the shipping tanks on the leased land after making customary deductions for temperature, water and other impurities, and on gravity, after treatment, if treatment is required to render the oil marketable. No royalty shall be due Owner for or on account of oil or other substances lost through evaporation leakage or otherwise prior to marketing or delivery to Owner, unless caused by the negligence of Lessee. Lessee shall deliver said royalty oil to Owner, at Owner’s option exercised not oftener than twice in any calendar year upon 30 days’ previous written notice. If no notice be given, it shall be deemed that royalties are payable in money. All royalty oil which Lessee shall be required to deliver in kind shall be delivered into tanks furnished and maintained on the leased land by Lessee for that purpose, and shall be stored, at Owner’s risk, for a period of not to exceed 30 days without charge.

13. Royalty on Oil. Lessee shall not be obligated to save or utilize any natural gas produced from said leased land or to pay any royalties whatsoever in respect to any natural gas not saved and utilized.

A. In the event Lessee shall sell any natural gas produced from the leased land in the crude state as produced, Lessee shall pay to Owner monthly, as royalty, one-eighth (1/8) of the net proceeds derived by Lessee from such sale after deduction of a reasonable charge for the cost, if any, of compression and transportation thereof.

B. In the event Lessee shall process the natural gas produced and saved hereunder or shall cause the same to be processed by any other party with whom Lessee may contract, Lessee shall pay to Owner monthly, as royalty, a sum equal to one-eighth (1/8) of the net proceeds from the sale of forty per cent (40%) of any net all casinghead gasoline and liquefied gas extracted or manufactured from such natural gas and sold during the preceding calendar month, together with one-eighth (1/8) of the net proceeds from the sale of one hundred per cent (100%) of any residue dry gas as manufactured from said natural gas and sold during the preceding calendar month. In the event Lessee shall retain for its own use, rather than sell,
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...said casinghead gasoline or liquified gas or residue dry gas, Lessee shall pay to Owner monthly, as royalty, a sum equal to one-eighth (1/8) of the market value, at the processing plant where such natural gas is processed, of forty per cent (40%) of any casinghead gasoline and liquified gas manufactured and retained by Lessee during the preceding calendar month, together with one-eighth (1/8) of the market value, at such processing plant, of one hundred per cent (100%) of any residue dry gas so manufactured and retained during the preceding calendar month (other than casinghead gasoline, liquified gas and residue dry gas retained and utilized by Lessee in any manner expressly made except from the payment of royalties pursuant to paragraph 15 hereof.)

6. Owner shall not be charged with any cost of the manufacture or extraction of casinghead gasoline, liquified gas or residue dry gas; provided, however, that royalties payable by Lessee to Owner under the provisions of this paragraph shall be subject to a proportionate part of the cost, if any, of compression and transportation of residue dry gas, provided however that no charge shall be made for any portion of the cost of transportation of such residue dry gas which Lessee itself retains and accounts for at the market value thereof at the plant as provided in sub-paragraph B hereinafter. Lessee shall be under no obligation to sell, utilize or retain any casinghead gasoline, liquified gas or residue dry gas so extracted or manufactured from such natural gas and Owner's royalties shall be based upon that portion of casinghead gasoline, liquified gas and residue dry gas sold by Lessee or retained and utilized by Lessee (in manners other than those expressly excepted from the payment of royalties) during the calendar month preceding that in which such royalties become payable.

D. All royalties under the provisions of this paragraph 1) shall be payable from the 25th day of each calendar month during the term hereof with respect to natural gas, casinghead gasoline, liquified gas and residue dry gas sold by Lessee or utilized by Lessee during the preceding calendar month. All royalties under the provisions of this paragraph 1) shall be payable in money and not in kind.

E. For the purpose of having casinghead gasoline or liquified gas extracted from natural gas produced from the leased land, Lessee may transport, or cause to be transported, to an extraction plant located either on the leased land or on other lands, all or any portion of such natural gas where it may be demingled with natural gas from other properties. Lessee shall meter such natural gas so transported and each meter reading, together with the results of content tests by recognized methods made at approximately regular intervals, at least once every month, shall furnish the basis for computation of the amounts of casinghead gasoline, liquified gas and residue dry gas to be credited to this lease.

14. Royalty on other Products. Lessee shall pay to Owner monthly one-eighth (1/8) of the reasonable value of any substance, other than oil and gas and the products thereof, which Lessee may elect to produce and save or market from the leased lands.

15. Fuel for Development. The Lessee shall not be required to account to Owner for, or pay royalty on, oil, gas and other hydrocarbon substances (including residue dry gas manufactured from natural gas produced and saved) or water produced by the Lessee from and leased land and used by it in its drilling and producing operations hereunder, including desiccation and shipping of all from the leased land and any use made for representing any oil-bearing formation which is being produced from by a well or wells on the leased land, or natural gas or residue dry gas lost or consumed in the processing of any natural gas produced hereunder, but it may use such oil, gas and other hydrocarbon substances (including residue...
dry gas) and/or water free of charge. If Lessee shall substitute other fuel or
or power, for fuel obtainable from the leased land, Lessee shall be entitled to deduct
the amount of the increased royalty according to the amount of such substitute fuel or power, provided that no deduction hereunder
shall in any event exceed the amount of such increased royalty.
16. PACIFICA. Irrespective of the allotment and surrender to Owner of a
portion or all of the leased lands, the Lessee shall and hereby agrees to pay without
grace to Owner the following sums, without interest, on or before the dates
indicated:

<table>
<thead>
<tr>
<th>AMOUNT</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$37,500.00</td>
<td>Oct. 25, 1979</td>
</tr>
<tr>
<td>$20,000.00</td>
<td>Dec. 1, 1979</td>
</tr>
<tr>
<td>$30,000.00</td>
<td>Apr. 1, 1980</td>
</tr>
<tr>
<td>$25,000.00</td>
<td>Apr. 25, 1980</td>
</tr>
</tbody>
</table>

17. DEPOSIT. All payments to Owner shall be made by check or draft of
Lessee mailed, postage prepaid, to Owner at 3670 Wilshire Blvd., Los Angeles, Cali-
fornia, or deposited in Owner's account in any bank in the City of Los Angeles, which
Owner may designate as depository. Owner shall notify Lessee in writing of the name
of such depository, and such deposits shall relieve Lessee from seeing to the proper
distribution thereof and at no time shall there be more than one depository.
18. RECORDS AND ACCOUNTS. Lessee shall keep a leg of all wells drilled on the
leased land, and shall permit Owner or Owner's agent at all reasonable times to
inspect such logs and make copies thereof, and to examine the cores taken in any
well drilled on the leased land and to take samples thereof. Lessee shall furnish
Owner with any written authorization necessary to enable Owner to obtain from the
Department of Natural Resources of the State of California, Division of Oil and Gas,
such information as shall have been furnished to that Bureau by Lessee in connection
with its operations under this agreement. On or before the 25th day of each calendar
month, Lessee shall furnish Owner with an accurate written report showing as to the
operation of the calendar month immediately preceding: the quantity of oil produced
from each well; the quantity of oil stored; the quantity of oil removed from the
leased land; the price received for oil sold; the quantity of gas produced; the
quantity of gas sold; the price received for gas; the quantity of natural gasoline
manufactured; the quantity of gasoline stored; the quantity of gasoline gasoline sold; the price received for castorseed gasoline sold. Such accounts and
reports shall be based upon full, true, and accurate records of production of oil,
gas, and gasoline kept by the Lessee either at an office to be maintained upon the
leased land or in the oil field in which such premises are situated or elsewhere in
Kern County or in Los Angeles County, which records Lessee agrees to keep at all times
while the lease is in force and Lessee agrees to furnish Owner copies thereof at
any time and such records shall be open to inspection by Owner or its agent at all
reasonable times. Lessee also agrees that modern and efficient measuring devices
shall be employed to measure accurately all oil, gas, and gasoline produced, and
Owner shall have the right at all reasonable times to inspect such measuring
facilities but only in the presence of a representative of Lessee and in a manner
approved by Lessee, and Lessee agrees to cooperate with Owner to such extent whenever
Owner desires to make any such inspection, giving Owner such information and
assistance as to enable Owner to make a proper check of the reports furnished it.
19. TAKES. Lessee shall pay all taxes on its personal property and improve-
ments and on all oil or other products in situ on the leased land and not belonging

03/21 06

50-G Cont.
Comment Letter 50, Cont.

leasehold or against the mineral rights therein. The balance of the foregoing and all other taxes levied or assessed against the land as such or against Owner's personal property or improvements shall be paid by Owner. In the event the State of California, United States or any other governmental or taxing authority levies a license, severance, production or other tax on the oil or gas produced hereunder, or on the Lessee's right to operate, then and in that event the Lessee shall pay seven-eighths (7/8ths) of said tax and Owner shall pay one-eighth (1/8th) of said tax. Lessee is hereby authorized to pay all such taxes and deduct Owner's share thereof from the amount of royalties which shall fall due.

20. LIENS. Owner shall at all times have the right to maintain upon the leased land any and all notices of non-liability which it may consider proper. Lessee shall not suffer nor permit any laborer's or materialman's lien or liens of like nature to arise or exist upon or against the leased land or any part thereof by reason of its operations under this instrument, or anything that may be placed thereon by it, and shall hold Owner harmless against any and all such liens, and against any and all claims arising out of the operations of Lessee hereunder. In like manner Owner shall be solely chargeable with and liable for material and labor for its agricultural and other enterprises permitted by this indenture, and shall likewise not suffer nor permit any lien to arise or exist upon or against the leased land or any part thereof, other than to encumber the same by mortgage or trust deed, (which mortgage or trust deed shall nevertheless be subordinate to this lease) and shall hold Lessee harmless against any and all such liens. The Party responsible for such lien shall have the right to contest the same and shall promptly pay any judgment rendered in connection with said lien, and in case of appeal shall furnish the appeal bond or stay of execution required by law, and after final decision promptly clear the leased land of any adverse judgment.

21. LESSEE'S RIGHT TO PAY LIENS. Lessee may elect to pay and discharge any lien existing, levied, or assessed on or against the leased land and which is in default, and in such event Lessee shall be subrogated to the rights of any owner or owner thereof.

22. LITIGATION. Each of the parties shall give the other written notice of any litigation affecting the leased land as soon as each party shall have knowledge thereof. If either Owner or Lessee shall begin an action against the other in order to enforce its rights under this instrument, then in any judgment which may be rendered in said action in favor of the plaintiff, the party in default shall have deducted against it such reasonable attorney's fees in said action not exceeding Five Hundred Dollars ($500.00), as shall be fixed by court.

23. PURCHASE. In case of failure of Lessee to comply with any of its obligations hereunder and the continuance of such failure for 60 days (except as to the obligation to pay or deliver royalties, in which case the period shall be 30 days, and except as to the obligation to pay the payments as provided in paragraph 16, in which case said payments shall be made without notice or days of grace) after written demand of Owner served upon Lessee specifying the obligation or obligations to be performed, Owner may, in addition to any other rights or remedies that owner may have at law or in equity, terminate this lease, by notice in writing, as to all of the leased land, and thereupon all rights of Lessee to drill further wells shall terminate; provided that, upon any such notice or other than for failure to pay or deliver royalty, Lessee may retain, upon and subject to the terms of this lease, all wells theretofore completed and all wells then drilling and thereafter completed and with respect to which Lessee shall not then be in default hereunder, together with sufficient lands surrounding each well for the operation thereof and reason-
Comment Letter 50, Cont.

...
Comment Letter 50, Cont.

...
Comment Letter 50, Cont.

NOTICE OF LOCATION
LODE
(Sec. 1466, 1466a, 1466b, 1466c, C.C. Stat.)

TO WHOM IT MAY CONCERN: Please take notice that:

1. That the name of this claim is the WHEEL SIDE Lode Mining Claim. Said claim is situated in the Renonbory Mining District, County of Kern, State of Calif. Located this 1st day of July, 1939. This discovery is made and the original notice is posted this 1st day of July, 1939.

2. That the undersigned locators are citizens of the United States or have declared their intention to become such, and have discovered mineral bearing rock in place thereon and do locate and claim same for mining purposes.

3. That the number of linear feet in length along the course of the vein or lode as nearly as may be, is 400 feet.

COMMENCE at Monument in a Southerly direction from the discovery monument, 750 feet therefrom, from center of claim No. 1. Run North & South and join No. 6 on the east end and is joined on the North by No. 1 of this group and is 600 ft. by 1500 ft.

No. 2 runs North & South joins No. 6 on the south No. 3 on the west No. 1 on the North & joins the Topside group and is 600 ft. by 1500 ft. No. 3 runs North & South joins No. 1 on the South No. 2 on the East No. 5 on the North and is 600 ft. by 1500 ft. No. 4 runs North & South joins No. 7 on the South No. 5 on the West and is 600 ft. by 1500 ft. No. 6 runs North & South joins No. 1 on the West No. 3 on the North and joins the Topside group and is 600 ft. by 1500 ft. These Claims were formerly known as the Black Bird Claims.
Comment Letter 50, Cont.

The 100,000-acre Tejon Ranch Preserve will preserve and protect the best and most valuable natural resources on the Ranch. The preserve was mapped after nearly two years of scientific study to identify the best of the natural resources on the ranch. The process included review and recommendations by a scientific peer review panel and an independent environmental advisory group.

The Tejon Ranch Preserve can be divided into three different components and/or areas:
1. Comanche Point
2. Highlands Core
3. Pacific Crest Trail

Together, these areas will preserve and protect threatened and endangered species and their habitats, pristine wilderness areas, and public access.

http://www.tejonranch.com/imc/conservation/preserve/p01.jpg

6/7/2009
Comment Letter 50, Cont.


50-H Cont.
THIS INDENTURE OF LEASE made this 1st day of April, 1942,
by and between TEJON RANCH CO., a California corporation, hereinafter
styled "Owner," and EL TEMPO CO., a California corporation, hereinafter
styled "Lessee":

WITNESSETH

That Owner, for and in consideration of Ten Dollars ($10.00)
and other valuable considerations to it in hand paid, the receipt and suffi-
ciency of which are hereby acknowledged, lessee to lease all those
certain pieces or parcels of land situated in the County of Kern, State
of California, and more particularly described as follows, to-wit:

That portion of Rancho El Tejon patented by the United
States of America to Jose Antonio Aguayo and Ignacio
Al Walle, by Patent recorded in Book 2, Page 26 of
Records of Kern County, described as follows:

Beginning at the Northeast corner of Section 25, Township
22 North, Range 19 West, 3d P. M., and running thence
East along the Easterly extension of the North line of said
Township, a distance of 18,079.56 feet to a point; thence
South 24° 39' 19" East, a distance of 5038.77 feet to the
true point of beginning for this description; thence from
said true point of beginning, continuing South 24° 39' 19"
East, a distance of 7620 feet to a point and running thence
North 50° 28' 28" East 11,200.21 feet to a point; thence West
a distance of 2383.69 feet to a point; thence North 00°
23' East, a distance of 4726.45 feet to a point in the Easter-
ly extension of the North line of said Township 12 North,
Range 19 West, 3d P. M., that is distant East measured
along said line 6034 feet from the Northeast corner of said
Section 25 of said Township and Range; running thence East
along said Easterly extension line, a distance of 2146 feet
to a point and thence South 52° 28' 28" East 7344.67 feet to
the true point of beginning.

Containing 1046.07 acres, more or less.

This lease is subject to all matters of record and to the rights
of parties in possession.

1. TERM OF LEASE. This lease shall continue for a period of five
(5) years from the date hereof, and, unless sooner terminated, for so long
thereafter as Lessee shall produce all and/or other hydrocarbons or gas
from the leased lands or shall comply with the provisions hereof or be here-
after caused therefrom.

[Signature]

[Recorded: 4-22-42]

[Book: 5056]
[Page: 257]
[Kern County, Calif.]

50-I
2. **LESSEE’S POSSESSORY RIGHTS.** Lessee shall have the right to enter upon the leased lands and make such geological surveys and tests, and in connection therewith to drill such exploratory holes or wells as Lessee may elect. Lessee shall have the sole and exclusive right of prospecting the leased lands, and drilling for and removing oil and/or other hydrocarbons or gas therefrom, and to establish and maintain on said lands such tanks, boilers, houses, engines, and other apparatus and equipment, power lines, pipe lines, roads, and other appurtenances, which may be necessary or convenient in the operation, production, treating, or topping of oil and/or other hydrocarbons or gas from said property and from lands in the vicinity. Lessee shall have the right during the term of this lease to drill for, develop, and use free of royalty such water on said lands as it may require in its operations.

3. **OWNER’S RESERVED RIGHTS.** The possession by Lessee of the leased land shall be sole and exclusive excepting that Owner reserves the right to occupy and use, either in person or by tenant, the surface of said land or any part thereof for the construction and maintenance of such facilities as may be reasonably necessary for the handling of Owner’s royalty oil which Owner may be entitled under the provisions hereof to take in kind, and for agricultural, grazing, business, gravel, and sand pits and other like uses, in so far as the same shall not at the time interfere with the rights and operations of Lessee. Lessee shall conduct its operations so as to interfere as little as practicable with Owner’s reserved uses of the leased land from time to time, bearing in mind Lessee’s paramount right to obtain and remove all oil, gas, or other hydrocarbons at the place or places and at the time best adapted therefor. Lessee shall drill no well within 150 feet of any dwelling house now on the premises without the written consent of the owner of the land upon which such buildings are located. Upon written request from Owner, Lessee shall fence its camp holes and bury below plow depth all pipe lines placed by it upon the leased land. Owner may have the use of any water or gas developed by Lessee.
on the leased land for its domestic and water pumping purposes so long as the same is not sold or required by Lessee in carrying on its operations hereunder. The delivery of such water or gas shall be taken at a point to be indicated by Lessee, and it shall be carried to the point of use at the sole cost and risk of Owner.

4. TEST WELL ON LEASED LANDS. Lessee shall on or before May 1, 1942 begin the actual drilling, or cause the beginning of actual drilling, of a test well for oil on the leased lands. The machinery and equipment installed shall be in good and workable condition for the purposes for which it is to be used.

5. ALL WELLS DRILLED WITH DILIGENCE TO DISCOVERY OR ABANDONMENT. The work of drilling any well which Lessee is required to begin drilling under the terms of this lease shall, after the commencement thereof, be continued with due diligence to a point where oil and/or gas is discovered in paying quantities and the well completed, or where the well in the judgment of Lessee is demonstrated to be unsuccessful and abandoned. In the event any well provided to be begun and drilled hereunder is so abandoned by Lessee as unsuccessful, Lessee shall, subject to the right of surrender, begin drilling another well within sixty (60) days after the abandonment of any such unsuccessful well.

6. PAYING QUANTITIES. "Paying quantities" is hereby defined as the output from any well that is capable of producing, as shown by a thirty (30) day test, sufficient oil and/or other hydrocarbons or gas to make the same profitable to Lessee, its successors or assigns.

7. NUMBER OF WELLS AFTER DISCOVERY. If oil is found in paying quantities in any well so drilled by Lessee upon the leased lands, Lessee (subject to the provisions hereof) shall continue to drill additional wells upon the leased land as rapidly as one (1) string of tools, working with reasonable diligence, can complete the same, until there shall have been completed on the leased lands an average of one well for each twenty (20) acres of said leased land; provided, however, that in the event during the
term of this lease any State or Federal bureau, organization, association, appointees, or coordinator shall pass rules or regulations designating and restricting the number of wells to be drilled, then in that event during such time as such rules, regulations, or restrictions are in force the Lessee may conform thereto, and even though such compliance shall be at variance with the terms of this paragraph 7, the Lessee shall not be considered as in default, but such compliance on his part shall for all purposes be construed as complying with the terms of this paragraph 7. Lessee may defer the commencement of the actual drilling of the second or any subsequent well for a period of not to exceed ninety (90) days from the date of completion of the last well preceding it. Lessee may drill as many additional wells as it desires.

8. OFFSET WELLS. In the event any well on adjacent properties (not at the time belonging to Owner) within two hundred fifty (250) feet of the boundary line of the leased land shall hereafter come on to production and thereafter produce oil or gas in paying quantities over a test period of thirty (30) days, Lessee shall commence the drilling of a well to offset such competing well within sixty (60) days after the completion of such 30 day test period unless a well already drilled or drilling on the leased lands is so located as to constitute an offset well as herein provided. Offset wells shall be located within 250 feet to the boundary line separating the properties and within 250 feet to a line drawn from the well to be offset to the nearest point on said boundary line and extended through the leased land, and shall be drilled to the same zone from which such competing well is producing. It is specifically understood the obligation herein described to drill offsets to wells on adjacent land shall be applied separately to each and every separate oil or gas sand or zone from which oil or gas may be produced within the offset distance. One well, if otherwise meeting the conditions specified, may constitute an offset to two or more wells on adjacent property. Each offset well so drilled shall be counted as one of the principal wells hereinafore provided to be
drilled by Lessee. It is further agreed that in the event Lessee shall have drilled on the leased lands the maximum number of wells provided in the preceding paragraph, Lessee shall nevertheless drill any additional well or wells which may thereafter be required as offset wells under the provisions of this paragraph.

9. GAS WELLS. In the event oil is not discovered in paying quantities in any well provided to be drilled hereunder and gas is discovered in any such well in paying quantities, Lessee shall operate the leased lands for gas. In such event the drilling obligations shall be reduced so that Lessee shall not be required to drill in excess of two (2) wells, including offset wells, but at the rate and in the manner as set forth in article 7. If, at any later period, oil should be discovered in paying quantities on the leased land, then this lease shall revive as an oil lease and all conditions herein stipulated as to drilling shall become effective dating from the date of said discovery of oil; but provided, however, that Lessee shall continue its drilling for oil in the manner as in this lease set out.

10. OPERATION OF WELLS. Lessee shall carry on all operations in a careful, workmenlike manner, and in accordance with the laws of the State of California, and shall continuously (subject to the provisions of article 11) pump and operate each well completed by it on said premises while, and so long as, such well produces oil or gas in paying quantities. Time consumed in clearing out, repairing, deepening, or improving any producing well or its necessary appurtenances shall not be construed or deemed as an interruption of the covenant requiring continuous operations of producing wells.

11. SUSPENSION OF OPERATIONS. Drilling and pumping operations shall be suspended on the leased land only in the event that they are prevented by the elements, accidents, strikes, slowdowns, delays in transportation, or interference by State or Federal action, or the action of other governmental officers or bodies, or other causes beyond the reasonable control of lessee, or, after discovery of oil on the leased land, so
long as oil of the quality produced on said property shall be less than fifty cents a barrel at the well (except that lessee shall regardless of price of oil, pump and/or operate offset wells when wells offset are being operated), but the lessee shall in such case with due diligence resume drilling and/or pumping and/or operating as soon as such preventing causes shall cease to operate. If the leased land is operated for gas as provided in paragraph 9, and if, after the completion of one gas well on the leased land, lessee is unable from time to time to find a market for any of the gas produced from the leased land, the provisions of this lease for the production of existing gas wells shall be suspended until such time as the production of the existing wells is sold and market for additional gas is obtained by lessee, who shall at all times use diligence to sell all gas which can be produced from said then-existent wells and to find a market for the sale of additional gas, and whenever and so often as such market is found the period of suspension of production hereunder shall be at an end until the recurrence of a condition under which lessee cannot market all gas produced from wells existent at any such time. Provided, however, the provisions in the paragraph relative to the suspension of producing gas wells shall not relieve the lessee of his continuous drilling operations relative to the development and producing of oil as in this lease provided.

12. ON ACCOUNT OF CURTAILMENT LAND OR PLANS. The suspension or curtailment of production from any well or wells upon the demised premises in conformity with any valid law, rule, or regulation, State and/or Federal, requiring the same, or in conformity with any oil curtailment plan or program which is receiving general or substantially general observance by the oil operators in the State of California and which does not reduce the oil production from the demised premises to a substantially greater extent, proportionately to potential production, than other producing properties in the same field, and which does not reduce the oil production from said oil field to a substantially greater extent, proportionately to potential production, than the other producing oil fields in the State of California.
unless the same would result in substantial damage to the Lessee by the
draining of the leased premises by wells on nearby property, shall not
be deemed a violation of any of the obligations of the Lessee under this
agreement and lease; provided further that any voluntary program of cur-
tailment shall be reasonable and fair to Owner in the light of surround-
ing conditions; provided further that Lessee shall not voluntarily curtail
any offset well to any greater extent in relation to potential production
than competing wells are being curtailed.

15. ROYALTY ON OIL. Lessee shall pay Owner as royalty for the
use of said land one-eighth (1/8) of all oil produced and saved therefrom,
said payment to be made in money or in kind at Owner's option. If royalty
is paid in kind, the oil shall be delivered into tanks furnished and main-
tained on the leased lands by Lessee for that purpose, and shall be stored
for a period of not to exceed thirty (30) days without charge. If the
royalty is paid in money, Lessee shall pay Owner on the 25th day of each
and every calendar month one-eighth (1/8) of the value (as such value is
hereinafter determined) of the net amount of all oil produced, saved,
and removed from the leased lands during the preceding calendar month.
The value per barrel of said oil which Lessee shall pay Owner as royalty
shall be the fair market price per barrel prevailing in the oil field or
area in which the leased lands are situated for oil of like gravity and
quality at the well the day the oil is removed from the leased lands.
The option of Owner to take royalty in money or in kind shall be exercised
only once every six (6) months and then on thirty (30) days written notice
to Lessee. If no notice is given, it shall be deemed that the royalties
are payable in money. If the oil produced from the leased lands shall
require treatment or dehydration to render it marketable, Lessee may deduct
from any payment due Owner the Owner's proper proportion of the cost of
said treatment or dehydration. Lessee shall not be responsible to Owner
for any shrinkage or loss of oil or other substances at any time placed in
containers, unless caused by the negligence of Lessee.
14. ROYALTY ON GAS. Lessee shall be under no obligation to sell or store gas. If any gas is sold, then on the 25th day of each and every calendar month, Lessee shall pay to Owner one-eighth (1/8) of the proceeds of all gas sold during the preceding calendar month. Lessee shall use its best efforts to sell dry gas at the highest market price.

15. ROYALTY ON NATURAL GASOLINE. If natural gasoline is manufactured by Lessee or by persons with whom Lessee may contract, from gas produced from the leased lands, it is agreed that sixty per centum (60%) of the gasoline so extracted shall be considered as covering the entire cost of gathering, manufacturing, handling, and selling said gasoline, and Lessee shall pay Owner one-eighth (1/8) of the proceeds derived from the sale of the remaining forty per centum (40%).

16. ROYALTY ON OTHER PRODUCTS. Lessee shall pay to Owner one-eighth (1/8) of the reasonable value of any substances covered by this lease, other than oil and gas and the products thereof, which Lessee may elect to produce and save or market from the leased land.

17. FUEL FOR DEVELOPMENT. Lessee shall have the free use of any substances produced from the leased land for its operations thereon, and of any dry gas produced from the leased land for injection purposes anywhere in the oil field of which the leased land is a part. If Lessee shall substitute other fuel, or power, for fuel obtainable from the leased land, Lessee shall be entitled to deduct from the amount of the increased royalty accruing thereby to Owner the royalty share of the cost of such substitute fuel or power, provided that no deduction hereunder shall in any event exceed the amount of such increased royalty. Owner shall also have the free use of any substances produced from the leased lands for domestic and pumping purposes, provided that there is more than enough of such substances for the use of the Lessee as first mentioned in this paragraph; and provided further, that the Owner shall at its own expense transport or convey such substances to where it uses the same.

18. DEPOSITORY. All payments to Owner shall be made by check or
Comment Letter 50, Cont.

draft of Lease mailed, postage prepaid, to Owner at 3670 Wilshire Boulevard, Los Angeles, California, or deposited to Owner’s account in any bank in the City of Los Angeles which Owner may designate as depository. Owner shall notify Lessee in writing of the name of such depository and such deposits shall relieve Lessee from seeing to the proper distribution thereof, and at no time shall there be more than one depository.

19. RECORDS AND ACCOUNTS. Lessee shall keep a log of each well provided to be drilled hereunder and shall permit Owner or Owner’s agent at all reasonable times to inspect such logs and make copies thereof, and to examine the cores taken in any well provided to be drilled hereunder and to take samples thereof. Lessee shall furnish Owner with any written authorization necessary to enable Owner to obtain from the Department of Natural Resources of the State of California, Division of Oil and Gas, such information as shall have been furnished to that Bureau by Lessee in connection with its operations under this agreement. On or before the 25th day of each calendar month, Lessee shall furnish Owner with an accurate written report showing as to the operations of the calendar month immediately preceding: the quantity of oil produced from each well; the quantity of oil stored; the quantity of oil sold; the quantity of gas produced; the quantity of gas saved; the quantity of gas sold; the quantity of natural gasoline manufactured; the quantity of natural gasoline stored; the quantity of natural gasoline sold; the price received for natural gasoline sold. Such accounts and reports shall be based upon full, true, and accurate records of production of oil, gas, and gasoline kept by the Lessee either at an office to be maintained upon the leased lands or in the oil field in which said premises are situated or elsewhere in Kern County or in Los Angeles County, which records Lessee agrees to keep at all times while this lease is in force, and Lessee agrees to furnish Owner copies thereof at any time, and such records shall be open to inspection by Owner or its agent at all reasonable times. Lessee also agrees that modern and efficient measuring devices shall be employed at the wells upon the leased lands to accurately
measure all oil, gas, and gasoline produced, and Owner shall have the right at all reasonable times to inspect such measuring facilities, but only in the presence of a representative of Lessee and in a manner approved by Lessee, and Lessee agrees to cooperate with Owner to such end whenever Owner desires to make any such inspection, giving Owner such information and assistance as to enable Owner to make a proper check of the reports furnished it.

20. TAXES. Lessee shall pay all taxes on its personal property and improvements and on all oil or other products in storage on the leased premises and not belonging to Owner. Lessee shall also pay seven-eighths (7/8) of the increase of taxes resulting from the discovery and production of oil or gas on said property, whether said increase is on the land itself or on the leasehold or on the mineral rights therein. Lessee shall also pay seven-eighths (7/8) of any severance or other production tax which may be imposed by the United States, the State of California, or any of its political subdivisions. The balance of any taxes levied or assessed shall be paid by Owner. Lessee is hereby authorized to pay all taxes on said land and improvements and deduct Owner's share thereof from the amount of royalties which shall fall due.

21. LIENS. Owner shall at all times have the right to maintain upon the leased lands any and all notices of non-liability which it may consider proper. Lessee shall not suffer nor permit any laborer's or materialman's lien or liens of like nature to arise or exist upon or against the leased lands or any part thereof by reason of its operations under this instrument, or anything that may be placed thereon by it, and shall hold Owner harmless against any and all such liens, and against any and all claims arising out of the operations of Lessee hereunder. In like manner Owner shall be solely chargeable with and liable for material and labor for its agricultural and other enterprises permitted by this indenture, and shall likewise not suffer nor permit any lien to arise or exist upon or against the leased lands or any other enterprises permitted by this.
indenture, and shall likewise not suffer not permit any lien to arise or exist upon or against the leased lands or any part thereof other than to encumber the same by mortgage or trust deed, and shall hold Lessee harmless against any and all such liens. The party responsible for such lien shall have the right to contest the same and shall promptly pay any judgment rendered in connection with said lien, and in case of appeal shall furnish the appeal bond or stay of execution required by law, and after final decision promptly clear the leased lands of any adverse judgment.

22. LESSEE'S RIGHT TO PAY LIENS. Lessee may elect to pay and discharge any lien existing, levied, or assessed on, or against the leased lands which is in default, and in such event Lessee shall be subrogated to the rights of any owner or owners thereof.

23. LITIGATION. Each of the parties shall give the other written notice of any litigation affecting the leased lands as soon as such party shall have knowledge thereof. If either Owner or Lessee shall begin an action against the other in order to enforce its rights under this instrument, then in any judgment which may be rendered in said action in favor of the plaintiff, the party in default shall have included against it such reasonable attorney's fees in said action, not exceeding Five Hundred Dollars ($500.00), as shall be fixed by the court.  

24. TERMINATION FOR DRILLING REMI NUS. In case of failure of Lessee to comply with any of the drilling requirements hereof, and which are of the essence hereof, and the continuance of such failure for ninety (90) days after written demand of Owner served upon Lessee for performance thereof, Owner may declare the termination of drilling rights of Lessee and thereupon all rights of Lessee to drill further wells upon the leased lands shall terminate, but Lessee may retain, clean out, drill, or redrill, deepen, pump, and operate the well or wells then drilled or theretofore drilled and completed, and as to which Lessee shall not then be in default.

50-I Cont.
Comment Letter 50, Cont.

hereunder. Lessee shall retain and shall have reasonable and convenient easements over the various portions of the leased lands, whether or not forfeited or surrendered, for operations of and in its retained wells.

Forfeiture shall be the only remedy of Owner for breach of said obligations or any thereof. Provided, however, that failure of Lessee to commence the drilling of the first test hole as set forth in article 4 hereof, is of the essence of this contract, and that the ninety (90) days demand provided for in this article 21 shall not be applicable or necessary to be given.

25. FORFEITURE FOR DEFAULTS OTHER THAN DRILLING. The covenants herein contained on the part of Lessee to be performed, to operate producing wells and pay and deliver rents and royalties from the respective wells, or the products thereof, and punctual performance thereof are of the essence of this contract, and upon failure of Lessee to perform such essential covenants or either thereof, and the continuance of such failure for thirty (30) days from and after written demand of Owner served upon Lessee specifying the obligations to be performed, then this lease shall at the option of Owner forthwith terminate.

26. SUBROGATION: Lessee, upon payment to Owner of the sum of Ten Dollars ($10.00), may at any time, or from time to time, quitclaim the leased lands or any part thereof to Owner, its successors or assigns, and thereupon all rights and obligations except accrued monetary obligations of the parties hereto, one to the other, shall cease and terminate as to the land quitclaimed. Upon quitclaiming any part of the land to Owner, its successors or assigns, all drilling obligations shall be reduced pro-rata according to the area surrendered by Lessee. All lands quitclaimed shall remain subject to the rights of any necessary or convenient for Lessee's operations on the land retained by it. It is understood, however, that in quitclaiming the property back to the Owner the title conveyed by said quitclaim shall be free and clear of any claims, liens, or encumbrances which may have been created by the Lessee or those holding under or through it.

27. REMOVAL OF EQUIPMENT AND CLEARING OF PREMISES. Lessee shall
have the right to remove, from time to time, from said land all machinery, rigs, casing, and other property and improvements belonging to or furnished by lessee; provided, that such removal shall be completed with reasonable promptness and in any event within three (3) months after the termination of this lease; and further provided that concurrently with such removal lessee shall fill its sump holes, ditches, and excavations, and otherwise leave said part of the leased lands as to which this lease shall have terminated, in such condition as to conform substantially to the natural contour of the ground.

28. TITLE. In case any action is brought by owner in hostility to rights claimed in good faith by lessee under this lease, or in the event third parties should bring an action in good faith, hostile to the rights of lessee, wherein the validity of this lease or the right of lessee to make said lease the basis of said action, then during the pendency of such action and until thirty (30) days after final determination thereof, lessee may defer or discontinue all operations on the leased land, or if it operates well, it may deposit royalties accruing hereunder in respect to the production thereof in any bank of deposit in the State of California, to the joint account of owner and lessee, same to abide the final determination of such action.

29. NOTICE. Any notice relative to this lease from lessee to owner shall be deemed sufficiently delivered if a written copy thereof be deposited in United States registered mail, postage prepaid, addressed to owner at 2570 Wilshire Boulevard, Los Angeles, California, up to such other address furnished in writing to lessee by owner. Any notice relative to this lease from owner to lessee shall be deemed sufficiently delivered if a written copy thereof be deposited in United States registered mail, postage prepaid, addressed to lessee at 1115 William Fox Building, Los Angeles, California, or to such other address furnished in writing to owner by lessee.

30. OWNERSHIP. No change in ownership of any part of owner’s estate shall be binding on lessee until after lessee has been furnished with a
Comment Letter 50, Cont.

...
Comment Letter 50, Cont.

or to such other company or individual as may be approved in writing by
Arnold D. Haskell, Norman Chamber, or Brodie Hamilton, without the written
consent of Owner. After the discovery of oil and/or gas, in paying quantities,
on the leased lands, Lessee shall have the right to assign this lease or
sublet said lands either in part or in whole without the consent of Owner.

No transfer of the leasehold estate, or rights of Lessee, or of any interest
therein, shall be made except in writing, and no such instrument shall be
binding upon Owner unless a certified copy shall be delivered to Owner at
the time. Any such instrument of transfer shall provide that the transfer
be bound as to the assigned lands by all the terms and conditions of this
lease, and provided further that any one taking such assignment shall also
execute such assignment agreeing to the terms and conditions hereinbefore
mentioned. If this lease is assigned or sublet by Lessee as to a part or as
to parts of said lands, no breach or default by any holder or owner of any
such part or parts shall constitute a breach or default by the holder or
owner of any other portion of said leased lands as to which no breach or
default has occurred.

32. INSTRUMENT OF DEFEASANCE. Upon the termination of this lease,
whether by lapse of time or otherwise, as to all or any portion of the
lands hereby leased, Lessee shall peaceably and quietly leave, surrender,
and yield up unto Owner the said premises or such portion thereof as to
which this lease shall have terminated, and Lessee shall promptly execute
and deliver to Owner a quitclaim deed to be recorded in order that the record
title of said premises or the portion thereof as to which this lease has
terminated may be cleared of the cloud created by this lease, or any assign-
ment thereof, or of any claim or encumbrance created by said Lessee or those
holding or operating under, by, or through it. It is agreed by Owner that
after re-entering upon any of the leased land surrendered or forfeited by
Lessee that it shall not drill nor operate for oil, gas, or other hydrocarbons
within five hundred (500) feet of any drilling or producing well on said
lands retained by Lessee.

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Comment Letter 50, Cont.

34. **General Covenants**

(a) Nothing herein contained shall require either party to violate any governmental order or regulation.

(b) This lease and all of its terms, conditions, and stipulations shall extend to and be binding upon the respective heirs, assigns, executors, administrators, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

**TEJON RANCH CO.**

By

President

Secretary

**EL TEMPO CO.**

By

President

Secretary

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50-I Cont.
Comment Letter 50. Leo Mark Hinds (Longbow, LLC) (July 13, 2009)

Response 50 A.

Thank you for your comment. Leo Mark Hinds states that he represents Longbow, LLC, and notes that the letter provides Longbow, LLC's comments on the Tejon Mountain Village Specific and Community Plan and the Tehachapi Uplands Multi-Species Habitat Conservation Plan (MSHCP). This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Comments on the MSHCP or the Draft Environmental Impact Statement (EIS) prepared for it, and not on the Draft EIR are beyond the scope of these Final EIR responses to the Draft EIR.

Response 50 B.

Commentor states that in April 2004, Longbow LLC acquired two oilfield leases in the area commonly known as Comanche Point. According to commentor, this began a mutually beneficial and profitable business relationship between Longbow and Tejon Ranch Corporation. Commentor states that all evidence suggests that Longbow has been a good steward of the property and notes that, at Tejon Ranch's request, Longbow significantly cleaned up the property. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 50 C.

Commentor notes that copies of the two Comanche Point oilfield leases acquired by Longbow, LLC are included. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment, and the attached leases, are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 50 D.

Commentor states that land leased for oilfields to Longbow, LLC is part of the Tejon Mountain Village Specific and Community Plan, creating a conflict with leases that grant to Longbow "sole and exclusive" possession of these areas with the exception of surface rights.

This comment addresses a contractual easement arrangement with Commentor, rather than an environmental impact associated with the Project. The lease at issue is several miles north of the Project site, and is not included within the proposed Tejon Mountain Village Specific and Community Plan boundaries. Bjorn 2009. The Project does not include any oil or gas exploration or production, and as noted in Draft EIR Section 4.10, "There are no known producing or potentially productive petroleum, natural gas, or geothermal resources within the Project site." Oil extraction is not a reasonably foreseeable future use of the Project site, and did not warrant mitigation.

Response 50 E.

Commentor points to certain paragraphs of the oil leases, asserting that they grant Longbow, LLC possession of the land and that the surface rights reserved to owner do not include wildlife dedication. Commentor states that using these lands as wildlife dedication would cause Longbow significant damages and would deprive Longbow of its rights under the lease.
The leased property at issue is not included within the boundaries of the Tejon Mountain Village Specific and Community Plan but rather is several miles north of the Project site. Bjorn 2009. Further, the leased lands do not fall within any wildlife dedication areas associated with the Project.

Please refer to Response to Comment 50-D, which also addresses this Comment.

Response 50 F.

Commentor requests that the County consider these comments relative to the potential for the oil lease land areas to impact an offer of "mitigation acreage."

Please see response 50-E. These comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 50 G.

Commentor includes a copy of one of the Comanche Point oilfield leases between Tejon Ranch Corporation and The Hall-Baker Company from 1939. The attached lease is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

Response 50 H.

Commentor includes a copy of Tejon Ranch literature, describing the Tejon Ranch Preserve, including its emphasis on protecting habitat in the Comanche Point area. The literature presented is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 50 I.

Commentor includes a copy of one of the Comanche Point oilfield leases between Tejon Ranch Corporation and El Tempo Company from 1942. The attached lease is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.
Comment Letter 51

Craig Murphy - Comment on TMV DEIR

From: "King, Katherine" <king@humnet.ucla.edu>
To: "Craig Murphy" <MurphyC@co.kern.ca.us>
Date: 07/13/2009 4:32 PM
Subject: Comment on TMV DEIR

Craig Murphy, Supervising Planner
Kern County Planning Department
700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Date 7/13/09

Dear Mr Murphy,

Before I comment on two aspects of the TMV DEIR, let me begin by objecting once again to the amount of time that the community has been given to comment on this huge project simultaneously with the Frazier Park Estates proposal and the Tehachapi Habitat proposal.

My first area of concern is Castac Lake, which the DEIR highlights as the scenic focus of the region. The DEIR oddly refers to this lake as “natural.” The lake as it appears today (from the road or on brochures for TMV) is not natural. As the DEIR concedes, TRC is now “maintaining a consistent shoreline” by pumping water into it (TMV DEIR 4.1-6). What it does not say is how much water and where that water comes from. What it also does not say is that the lake is naturally a salt lake that comes and goes as the rain comes and goes. The natural salt lake could not support the small dock mentioned in the DEIR.

The DEIR does not say how much water is being used to “maintain a consistent shoreline” and it does not say where that water comes from. These facts are essential to have before the Planning Board can take any action on the Specific Plan. Because the amount of water it requires contributes to the “cumulative effect” of the project that surrounds it, it is quite irrelevant -- as well as unconscionable-- that TRC has taken Castac Lake out of the project.

Since the TRC developers designate the lake “the most important visual resource” in the area, it will surely be a selling point to home buyers. In order to avoid lawsuits by property owners whose land values would drop precipitously without it (and with a salt biotch where it used to be), TRC will need to “maintain a consistent shoreline” as they are doing now That is, they will need to keep pumping groundwater into it. Therefore, the amount of groundwater they are now pumping into it MUST be part of the Environmental Impact Report.

Second, I have questions about the “Tejon Ranch Conservation and Land Use Agreement. I have elsewhere commented on problems associated with using the “Purchased Acquisition Areas” as “conserved” areas for mitigation of harms caused by the development of TMV. Here my concern is with the other 66% of the Conservation area, the part to be managed by the Tejon Ranch Conservancy. [I am assuming that the 33,000-acre open space within TMV is separate, since it apparently does not come in the form of conservation easements; however, if it does come within the Conservancy, then the 66% figure should be raised to 73.4%].

file://C:\Users\murrive\AppData\Local\Temp\XPprowise\4A5B6198RMARMAP\01001... 07/13/2009
Funding for the Conservancy is mandated only through 2014, unless at least four Acquisition Areas are purchased. Since in the present state of budget crisis, the state is unlikely to be able to purchase one much less four of these areas, we must understand 2014 as the last year for funding. Subsequent funding is dependent on conservancy fees to be levied on all changes of property title within TMV. Given the shaky economy, sales of TMV properties are likely to be quite low, and since repayment of the first seven-years of support by TRC will be the first priority for the fees, the Conservancy may well be bankrupt in 2014. If so, what effect might this have on the remaining 92 years of the Agreement?

Since in addition to funding issues, there are circumstances under which the Agreement could be declared null and void, I urge the Planning Committee not to take it into account as in any way mitigating the harms that TMV will cause to air, water, and quality of life in Frazier Park.

Sincerely yours,

Katherine C. King
15640 Berne Lane, Frazier Park, CA, 90291

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.375 / Virus Database: 270.12.80/2187 - Release Date: 07/13/09 05:58:00
Comment Letter 51. Katherine King (July 13, 2009)

Response 51 A.

Thank you for your comment. Commentor objects to the amount of time provided for review of the Draft EIR, Frazier Park Estates Draft EIR, and Tehachapi Uplands Multiple-Species Habitat Conservation Plan Draft EIS. Please refer to Response to Comment 25-C and Letter 59.

Response 51 B.

Commentor raises several questions and comments regarding Castac Lake. These issues are addressed in Global Response 7.5-1.

Response 51 C.

Please refer to the Response to Comment 51-B.

Response 51 D.

Please refer to the Response to Comment 51-B.

Response 51 E.

Please refer to the Response to Comment 51-B.

Response 51 F.

Please refer to the Response to Comment 51-B.

Response 51 G.

Please refer to the Response to Comment 51-B.

Response 51 H.

Please refer to the Response to Comment 51-B.

Response 51 I.

Please refer to the Response to Comment 51-B.

Response 51 J.

Commentor raises several questions about the Tejon Ranch Conservation and Land Use Agreement (Ranchwide Agreement). Commentor first objects to the use of "Purchased Acquisition Areas" as "conserved" areas for mitigation of harms caused by the development of the Project.

Section 3.5.3 of the Draft EIR summarizes the key provisions of the Ranchwide Agreement, which provides for permanent conservation of approximately 240,000 acres of the Ranch (including open space acreage planned within Tejon Mountain Village). Specifically, the Tejon Ranch Company has provided options for the Resource Groups (Audubon California, the Endangered Habitats League, Natural
Resources Defense Council, Planning and Conservation League, and Sierra Club) to purchase development rights, through acquisition of conservation easements, for five separate areas of the Ranch, totaling 62,000 acres. However, the conservation of these areas is not required as mitigation for the development of the Tejon Mountain Village Project nor is the conservation of these areas part of the Project. Accordingly, this response is offered for informational purposes. The commentor's concerns with acquisitions are noted for the record and will also be provided to the Planning Commission and Board of Supervisors.

Response 51 K.

Commentor states that 33% of the Conservation area is within the Project, and the other 66% is to be managed by the Tejon Ranch Conservancy.

In response, the Ranchwide Agreement, including conservation easement areas, acquisition areas, and open space areas, is described in Section 3.5.3 of the Draft EIR, TEJON RANCH CONVERSATION AND LAND USE AGREEMENT, and is also summarized in Appendix J-1 of the Draft EIR. The Project is identified as a development area in the Ranchwide Agreement, and the open space areas within the Project—consisting of over 21,000 acres (see Figure 3-11)—is in addition to the 145,000 acres of Tejon Ranch for which Conservation Easements will be dedicated and managed by the Tejon Ranch Conservancy. An additional 62,000 acres of the Ranch has been set aside under option for planned acquisition of open space easements. The Project site does not include any of the dedicated or acquired Conservation Easement areas included in the Ranchwide Agreement.

Response 51 L.

Commentor notes that funding for the Conservancy is mandated only through 2014, unless at least four Acquisition Areas are purchased. Given the state's budget problems, commentor believes that 2014 is the last year the Conservancy will be funded.

In response, under the Ranchwide Agreement, funding for the Conservancy is assured in perpetuity through a recorded Conservation Fee covenant that applies to single family homes constructed at the Project and Centennial. This funding is assured without regard to the acquisition status of any Acquisition Area. Because the Project site does not include any of the dedicated or acquired Conservation Easement areas included in the Ranchwide Agreement, this response is provided for informational purposes and the comment is noted in the record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

Response 51 M.

Please refer to the Response to Comment 51-L.

Response 51 N.

Commentor notes that subsequent Conservancy funding is dependent on the sale of Project properties, and based on current economic conditions is concerned that the Conservancy may go bankrupt. Commentor questions what would happen to the Ranchwide Agreement if the Conservancy goes bankrupt. Under the Ranchwide Agreement, funding will be provided from the transfer of qualifying transactions at both the Project and Centennial. In the very unlikely event of the Conservancy's bankruptcy, the Ranchwide Agreement continues to be in effect—and the lands preserved in open space will continue to be in open space—under successor arrangements included in the Ranchwide Agreement. Because the Project site does not include any of the dedicated or acquired Conservation Easement areas
included in the Ranchwide Agreement, this response is provided for informational purposes and the comment is noted in the record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

**Response 51 O.**

Please refer to the Response to Comment 51-N.

**Response 51 P.**

Commentor notes that there are circumstances in which the Ranchwide Agreement would be declared null and void, and requests that it not be taken account in mitigating Project impacts to Frazier Park. The Ranchwide Agreement includes specific remedies that compel specific performance of the obligations set forth in the Ranchwide Agreement, but does not allow for the Agreement to be rendered null and void. The Ranchwide Agreement is described for informational purposes in the Draft EIR but is not a part of the Project, and is not a mitigation measure for the Project.
Comment Letter 52

June 15, 2009

Ms. Lorelei Oviatt
Division Chief
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Re: Contact Recreation Prohibition

Dear Lorelei:

Mitigation Measure 4.8-31 of the Tejon Mountain Village Environmental Impact Report requires that Tejon Ranch Company provide written confirmation that swimming or other contact recreation activities be prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the Tejon Mountain Village project that are owned by Tejon Ranch Company. This requirement is due to potential pathogen exposure during and following storm events.

The purpose of this letter is to document that Tejon Ranch Company is in agreement with this restriction and will implement it after the approval of the Tejon Mountain Village project entitlements and resolution of any litigation related to the project.

Sincerely,

[Signature]

cc: Roberta Marshall, TMC LLC
Comment Letter 52. Mr. Robert A. Stine, Tejon Ranch Company (June 15, 2009)

Response 52 A.

The comment from Robert A. Stine, President and Chief Executive Officer of Tejon Ranch Company (TRC), states that Tejon Ranch Company will prohibit swimming and other contact recreational activities in Castac Lake and in all off-site perennial or seasonal water bodies on Tejon Ranch that receive runoff from the Project, as required by Mitigation Measure 4.8-31. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 52 B.

The comment states that its purpose is to document TRC's agreement with the restriction set out in Mitigation Measure 4.8-31, and TRC's commitment to implement this Mitigation Measure after approval of the Tejon Mountain Village Project and resolution of any litigation related to the Project. The comment is noted for the record, compliance will be tracked as part of the Mitigation Monitoring Program for the Project that is required under CEQA, and will be provided to the Planning Commission and Board of Supervisors for review and consideration.
Comment Letter 53

WILD HERITAGE PLANNERS
P.O. Box 50260
Los Angeles, California 90050
http://wildheritageplanners.com/
Email: JackEld8@yahoo.com
Office Telephone: 323 257 0383
Mobile: 714 501 8262

July 13, 2009

Ms. Lorelei Oviatt
Mr. Craig Murphy
Kern County Planning Department
Public Services Building
2700 M Street, Suite 100
Bakersfield, CA 93301-2307
Email: loreleio@co.kern.ca.us
murphyc@co.kern.ca.us

RE: Draft Environmental Impact Report Tejon Mountain Village

Dear Ms. Oviatt and Mr. Murphy:

These comments on the Draft Environmental Impact Report (DEIR) are submitted by Wild Heritage Planners, an organization based in Southern California dedicated to sustainable environmental planning and smart growth. We have presented alternative land use and transportation plans for development projects around California and work as technical advisors to government, industry, non-governmental organizations and citizens groups.

General Comments on the DEIR

WHP suggests that Kern County consider other alternatives than building 3,450 residential units, 160,000 square feet of commercial/mixed use/office space, 750 hotel rooms and attendant support commercial space, and two 18-hole golf courses and attendant support uses on one of the most important ecological areas in the state of California, critical habitat for the California condor and home to 60 rare plant and animal species. This is the classic model of urban sprawl development, despite efforts by the developer to appear to mitigate their impacts, set 100 miles from downtown Los Angeles and far from the closest existing ex-urban centers.
Comment Letter 53, Cont.

The Tejon Mountain Village Specific Plan coupled with cumulative effects from the proposed Centennial and Frazier Park Estates, does nothing but compound the unfortunate legacy of urban sprawl that has transformed the oak woodland and fruit orchard-covered hillsides of the Santa Clarita Valley region into an LA ex-urb, and turned the Interstate 5 into a smog-filled commuter's parking lot. WHP advocates that as a region we deserve smarter development.

New housing should be built in conjunction with land use and transportation solutions that would be sustainable for the long-term given the ever-tightening global oil supplies, and the looming danger from global climate change. While Tejon Mountain Village does employ some planning techniques that would minimize locally the impacts from development, on a macro-scale, the project coupled with cumulative proposed projects are examples of a rampant land use conundrum.

What is today sensitive mountain meadow and ridgelines will be transformed into a cluster of automobile dependent uses that will draw traffic trips onto thoroughfares where today there are none, and generate new commuters heading for Santa Clarita and San Fernando Valleys for work and shopping. The visual blight on the highland areas of the Tehachapi Mountains and Angeles and Los Padres National Forests would be significant and irreversible. Smog forming and cancer-causing chemicals would be manifested in areas where there are none today. Greenhouse gas formation would exacerbate global climate change. The project would also impact public safety issues by the creation of a new community in the heart of a high fire area and put a major burden on the county to provide publicly financed services. Runoff from the development would spill into pristine river waters, poisoning an ecosystem that provides water for birds and mammals from wilderness and ranch areas and sustains communities in Kern, Los Angeles, and Ventura Counties. Kern County must consider the cumulative effect of this destructive form of development, and suggest alternatives that would spare us this fate.

WHP advocates that No Project should be considered in this area, and possibly should include the entire project development footprint into the 246,382 acre park that has been proposed for the area and is considered in Alternative C. The Kern County Planning Department should never consider a specific plan or proposed urban sprawl housing development in heart of the endangered California condor critical habitat. Tens of millions of dollars of private and public money, time and energy have been spent bringing back the condor from the brink of extinction. If adequate habitat for North America's largest bird is not protected, how can the condor adequately recover to self-sustaining levels?

In addition, the County appears to have strategically issued this environmental impact report during the comment period for the Tehachapi Uplands Habitat Conservation Plan -- overwhelming the interested public with close to 8,000 pages of information to absorb. True public participation in this process is necessary before any plan is approved, and at this time such participation is impossible.

The Tejon Mountain Village Specific Plan needs to be completely reconsidered in light of the reality of housing over-development, the rapidly increasing cost of fuel, the impracticability of continuing to develop unsustainable sprawling automobile-dependent ex-urbs in wilderness areas far from alternative transportation or existing infrastructure that would support the creation of
Comment Letter 53, Cont.

such an enterprise. The cost to local, regional, state and federal governments could never justify such an undertaking during a time when public budgets are completely in the red and funds for widening freeways and connecting mass transit routes, extending sanitary sewer facilities, police and fire protection, ensuring water supply, are unobtainable in the foreseeable future.

While it is possible that the Tejon Ranch Company can justify the need for a recreational community at some time in the future, considering the massive impacts of this and other cumulative proposed projects would present to the Counties of Kern, Los Angeles and Ventura, and the State of California, this proposal should be rejected out of hand. Gone are the days when growth continued in California unabated. It would be unconscionable for the County of Kern to approve this project given the massive impacts that it represents.

California has continued on a maddening pace of growth during the last two centuries, and WHP submits we have reached a tipping point. Sprawl developments in the Antelope Valley, San Fernando Valley, High Desert, and Inland Empire have been deserted and bankrupted, with the only areas maintaining their value are those that are accessible to alternative transportation and proximate to employment areas, such as Central-Coastal Orange County and Downtown Los Angeles. To move forward with another speculative venture, praying that a new housing bubble would seduce unthinking consumers to purchase property in an area far from anything is possible, but having local governmental entities pick up the tab of supporting that venture itself is a statement of overriding considerations that declares this project should not be built in the form it is proposed, on the sensitive lands that are drawn out in the specific plan.

Some development in Tejon Mountain Village is of course possible. The proposed development must be reworked to stay out of condor critical habitat, preventing impacts to the other 83 rare species and vegetation communities in the area, and avoid exacerbating negative air quality, greenhouse gas emissions, fire hazards, and traffic issues. And particularly, the County of Kern should protect the public from having to finance a speculative venture that would destroy important habitat, clog our existing freeways, mar the majesty of the Tehachapi Mountains, and most probably fail financially when the cost of fuel makes commuting to such a place for work or living unsustainable.

Again, we appreciate the opportunity to comment on the DEIR for the Tejon Mountain Village project. Please keep us informed of any and all notices, meetings, and workshops, environmental and planning documents (more) related to the proposed Tejon Ranch project.

Jack Eidt
Director of Planning
Wild Heritage Planners
P.O. Box 50260
Los Angeles, CA 90050
Email: JackEidt@yahoo.com
Mobile 714-501-8262
Comment Letter 53.  Wild Heritage Planners (July 13, 2009)

Response 53 A.

Thank you for your comment.  Wild Heritage Planners provides information about the organization.  This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 53 B.

Commentor suggests that the County consider alternatives to the Project, given the area's ecological and habitat value.  Draft EIR Chapter 6, ALTERNATIVES, considers five alternatives to the Project.  Table 6-2 provides a summary of the alternatives' potential impacts, relationship to the Project's goals and objectives, and feasibility relative to the Project.  See Draft EIR Chapter 6, ALTERNATIVES.  Section 6.5 discusses those alternatives that were considered but rejected and Section 6.6 analyzes the five alternatives in greater detail, including a summary discussion of each impact category and an analysis of the comparative merits of the alternative.  Id.  A sixth alternative was also added in response to comments, which avoids development in designated critical habitat for the California condor.  (See discussion of Alternative F in Section 7.2, REVISIONS TO THE PROJECT DRAFT EIR)  The Draft EIR provides a reasonable range of alternatives and extremely thorough analysis of each, sufficient to permit informed decision making and public participation, thereby meeting what is required under CEQA law.  Public Resources Code §§ 21002, 21002.1(a), 21100(b)(4), 21150; CEQA Guidelines § 15126.6.  To the extent that this comment asserts that the Project area is "one of the most important ecological areas in the state of California," contains "critical habitat for the California condor," and is "home to 60 rare plant and animal species," the Project's impacts upon biological resources are analyzed and mitigated in Draft EIR Section 4.4, BIOLOGICAL RESOURCES.  All reasonable and feasible mitigation measures has been incorporated into the proposed project to off-set potential impacts to a less than significant level.  For a complete list of proposed mitigation measures, please see the Executive Summary pages 1-20.  Table 5-1, found on page 5-2 of the Draft EIR includes a summary of significant impacts of the proposed project.

Response 53 C.

Commentor states that that the Project is "urban sprawl development."  For a discussion of sprawl, please refer to Response to Comment 24-J2.  Because the Project is a resort and contains resort uses, it will not cause the negative impacts that are associated with sprawl or leapfrog development.  In addition, the location of the Project will help to minimize impacts that could otherwise be associated with mountain resorts.

Response 53 D.

Commentor states that the Project is "sprawl," and is referred to Response to Comment 53-C.  The Commentor's observations about the Santa Clarita area, Interstate 5, and other issues are also noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 53 E.

Commentor states that new housing should be built in conjunction with sustainable land use and transportation solutions that take into account climate change and tightening oil supplies.  As described in
Response to Comment 53-C, the proposed Project is a mountain resort community, and is located closer to the large Southern California population areas than other mountain resort areas such as Mammoth Mountain, the Sierra Nevada, and Jackson Hole. The Comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 F.

Commentor states that the Project uses planning techniques that would minimize localized development impacts, but on a "macro-scale" believes that the Project and other cumulative proposed are a "land use conundrum." This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 53 G.

Commentor notes that the Project will result in a transformation of the existing Project site into automobile-dependent uses that will draw traffic trips onto "thoroughfares where today there are none" and generate new commutes to Santa Clarita and San Fernando for employment and shopping." The Draft EIR evaluates the traffic generated by the Project, and includes an evaluation of commute and other vehicular trips from the Project site to other locations in Los Angeles County as well as Kern County. See generally, Draft EIR Section 4.15, TRANSPORTATION AND TRAFFIC. The Project will not create any new roadways off the Project site; the Project will include an internal circulation plan that includes both an existing road (Lake Drive) and planned new internal roads, as described in the Tejon Mountain Village Specific and Community Plan and Special Planning District.

Response 53 H.

The commentor is concerned that the Project would cause significant and irreversible visual blight impacts on the highland areas of the Tehachapi Mountains and the Los Padres National Forests. Please see Response to Comment 25-Q, which discusses mitigation measures, design guidelines, and other restrictions, that will work to minimize Project glare and light impacts to the greatest extent feasible.

Additionally, the Draft EIR conducted an extensive view analysis of impacts based on the Federal Highway Administration’s visual assessment methodology. Using state-of-the-art tools, simulations were prepared from several key location representing typical and worst case public and private views. The simulations were rated in comparison to existing views and evaluated with consideration to the number, type and sensitivity of viewers, as well as the magnitude of the changes that would occur to key focal points.

The Draft EIR analysis, both with regard to aesthetics and light and glare, found a distinction between the types of potential Project impacts:

1) The low density development areas of the Project which are controlled by Design Guidelines and Special Planning (SP) District Plan standards cause less than significant impacts. The Draft EIR concluded that the Project would result in less than significant impacts to scenic vistas and scenic highways (Impact 4.1-1 (Have a Substantial Adverse Effect on Scenic Vista) and Impact 4.1-2 (Substantially Damage Scenic Resources Visible from a State Scenic Highway)).

2) However, the Project's mixed use village would create significant visual impacts in the view corridor along the Interstate 5 and Lebec Road interchange. In addition, the Project would add new light sources to an area that is currently completely dark, the impacts of
which are found to be significant. Accordingly, Impact 4.1-3 (Substantially Degrade Existing Visual Character or Quality of the Proposed Project Site and Its Surroundings) and Impact 4.1-4 (Create a New Source of Substantial Light or Glare That Would Adversely Affect Day or Nighttime Views) are considered significant and unavoidable, even with the implementation of feasible mitigation.

In conclusion, the Draft EIR thoroughly and completely analyzed potential Project impacts in the Project area related to aesthetics and light and glare according to established significance thresholds. The Project implemented all feasible mitigation measures (as well as a series of other restrictions, such a Design Guidelines) to reduce potential impacts to the extent feasible. While some Project impacts can be reduced to less than significant, others would be significant and unavoidable.

Response 53 I.

Commentor express concern that smog forming and cancer-causing chemicals would be manifested in areas where there are none today. Commentor also states that greenhouse gas (GHG) formation will exacerbate global climate change.

The Commentor is correct in stating that the Project will produce smog-forming gases and GHGs that would not be produced in the absence of the Project. In compliance with CEQA guidelines, the Draft EIR analyzes emissions of ozone precursors (reactive organic gases (ROG) and nitrogen oxides (NOx)) for all construction and operations-related activities resulting from the Project. Ozone is a key ingredient in urban smog. The Draft EIR also analyzes emissions of GHGs for all construction and operations-related activities resulting from the Project. The Draft EIR finds that impacts of ROG emissions from construction of the Project and both ROG and NOx emissions from operations of the Project are significant and unavoidable (please refer to Impacts 4.3-2 and 4.3-3). The Project has committed to implementing numerous measures to reduce Project-related ozone precursor emissions and their associated impacts, including the full mitigation of ozone precursors from the Project’s operation within the San Joaquin Valley Air Basin. See Draft EIR at 4.3-95 to 4.3-99. Construction mitigation includes multiple construction vehicle exhaust controls, limits on idling time, and requiring all equipment to meet Tier 2 or 3 emission standards (please refer to Mitigation Measures 4.3-1, 4.3-3 and 4.3-4).

The Draft EIR finds that impacts of GHG emissions from the Project’s construction and operation are significant and unavoidable (please refer to Impact 4.3-8). The Project has committed to implementing numerous mitigation measures to reduce Project-related GHG emissions and their associated impacts, including provisions encouraging the use of alternative fuel technologies for construction vehicles, restrictions on construction vehicle idling time, stringent energy efficiency requirements, provisions encouraging pedestrian, bicycle, and transit activities, and a 29% reduction in total Project-related GHG emissions (please refer to Mitigation Measures 4.3-6 to 4.3-14 and 4.3-18).

The Draft EIR includes an analysis of the Project's impacts related to toxic air contaminants (TACs), which can cause cancer and other health impacts. Draft EIR, Impact 4.3-4. The analysis considered the potential TAC impacts of the Project on sensitive receptors – both onsite and offsite – during construction and operations. Mitigation measures are included that require a 500-foot setback from Interstate 5 of all sensitive land uses, and a 300-foot setback from areas with more than one potential TAC source for all residents. The Draft EIR concludes that TAC impacts from the Project are less than significant.

For further detail regarding emissions and impacts of ozone precursors, GHGs and TACs, and mitigation measures to reduce the impacts of these emissions, please refer to Section 4.3, AIR QUALITY AND CLIMATE CHANGE.
Response 53 J.

Commentor notes that the Project would impact public safety issues by creating a new community in a fire area and put a major burden on the County to provide publicly financed services. The potential for earthquakes and wildfires was evaluated in the Draft EIR in Section 4.6, GEOLOGY AND SOILS and Section 4.7, HAZARDS AND HAZARDOUS MATERIALS, and the Project's impacts and mitigation measures in relation to fire and emergency response services and infrastructure are addressed in Section 4.13, PUBLIC SERVICES and Section 4.16, UTILITIES AND SERVICE SYSTEMS. Upon approval, Project proponents would be obligated to comply with such mitigation measures (e.g., relating to capital improvements to emergency response staffing). The Project Specific Plans also includes fire protection and sustainability plans that include funding mechanisms and commitments for ongoing obligations that minimize the potential for earthquake or wildfire damages, such as the establishment and funding of a Geologic Hazard Abatement District. The comment is also noted for the record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

Response 53 K.

Commentor states that runoff from the development would spill into pristine waters, poisoning an ecosystem that provides water for birds and mammals from wilderness and ranch areas that sustains communities in Kern, Los Angeles, and Ventura Counties. The Draft EIR includes a comprehensive analyses of potential Project impacts on water quality impacts to surface receiving waters and groundwater quality (refer to Section 4.8, HYDROLOGY AND WATER QUALITY). Project impacts birds and mammals, including water quality-related impacts (e.g. to Castac Lake, which supports substantial wildlife populations), were specifically evaluated and addressed in Section 4.4, BIOLOGICAL RESOURCES.

The Project includes numerous site design, source control, and structural treatment Best Management Practices (BMPs), including extensive use of Low Impact Development (LID) concepts. The Project BMPs meet or exceed stormwater management requirements for urban development in the Bakersfield and Los Angeles County NPDES Permits (refer to Section 9.3 of Appendix A-1 in the Draft EIR). The Project BMPs comprise Mitigation Measures 4.8-1 through 4.8-40 in the Draft EIR. Further description of the BMPs is found in Section 6 of Appendix I-1 in the Draft EIR. The selected mitigation measures are expected to provide a high level of effectiveness for controlling post-development runoff volumes and controlling and reducing the levels of the pollutants of concern, and will reduce water quality impacts to less than significant levels.

A quantitative analysis was conducted to evaluate the pre- and post-development stormwater runoff volumes and pollutant loadings on a watershed and sub-watershed basis. The Project’s potential surface water quality impacts are discussed on pages 4.8-22 through 4.8-47 in the Draft EIR. For those pollutants modeled, the resulting concentrations were well below the acute water quality standards in the California Toxics Rule. For other parameters not modeled due primarily to the limited data above detection values, the Draft EIR included a qualitative assessment of the potential impacts of the Project as well as mitigation measures that would address them. In many cases the few available land use urban runoff data that are available are well below water quality standards. The Project’s potential surface water quality impacts were determined to be less than significant after the implementation of mitigation measures.

The Project’s potential impacts on groundwater supplies are discussed on pages 4.8-47 and 4.8-48 of the Draft EIR. No groundwater will be used for Project construction or for the Project’s potable and nonpotable water supply. The Project’s potential impacts on groundwater supply were determined to be less than significant after implementation of Mitigation Measure 4.8-38. Similarly, the Project’s potential
impacts on groundwater quality are discussed on pages 4.8-58 through 4.8-60 in the Draft EIR. Mitigation Measure 4.8-44 requires monitoring to assess if the Project is adversely affecting groundwater quality and whether additional treatment is needed. Mitigation Measure 4.8-45 requires that recycled water that is used for irrigation supply will meet all water quality treatment standards under Title 22 of the California Code Regulations. The Project’s potential impacts on groundwater quality were found to be less than significant after implementation of Mitigation Measure 4.8-44 and 4.8-45.

In fact, as discussed in the Draft EIR in Section 4.8, HYDROLOGY AND WATER QUALITY, the Project would result in improved water quality in the Castac Lake watershed for several water quality parameters:

- **Total suspended solids (TSS):** Mean annual TSS concentrations in runoff to Castac Lake would decrease substantially. Draft EIR, Table 4.8-10.
- **Nutrients:** Phosphorus, ammonia and total nitrogen concentrations in runoff to Castac Lake would all decrease. Draft EIR, Table 4.8-11.
- **Total dissolved solids (TDS):** Substantial TDS reductions would occur in runoff to Castac Lake. Draft EIR, Table 4.8-12.
- **Metals:** Total zinc concentrations would decrease substantially in runoff to Castac Lake, total lead concentrations would be unchanged, and dissolved copper concentrations would increase slightly; all concentrations of these metals would be below the applicable CTR acute criteria. Draft EIR, Table 4.8-13.

Response 53 L.

Commentor requests that the County consider cumulative effects and alternatives. The Draft EIR analyzes and mitigates cumulative impacts of the Project (together with other proposed projects in the area) within each topical section of Chapter 4. The cumulative impacts methodology is described in Section 3.7 of the Draft EIR. A broad range of Alternatives has been considered, both in the Draft EIR (Chapter 6) and in a new Alternative F which has been included in the Final EIR (see Section 7.2).

Response 53 M.

Commentor notes its advocacy for the No Project Alternative (Alternative A) and the Natural Park Alternative (Alternative C). This comment is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors for further consideration.

Response 53 N.

Commentor states that the Planning Department should never consider a specific plan or proposed urban sprawl housing development in the heart of the endangered California condor critical habitat. The Project includes areas that have long been designated as requiring specific plans under the Kern County General Plan, as discussed in greater detail in the Section 4.9, LAND USE, of the Draft EIR. The Planning Department is required to process a request for this specific plan, but ultimate review and approval of the Project (including the Specific Plan) is a question for the Planning Commission and Board of Supervisors. The Project is a mountain resort, and as such is not considered urban sprawl (please refer to Response to Comment 53-C.) The Project avoids 94% of the high value habitat for the California condor, and condor issues are addressed in detail in Section 4.4, BIOLOGICAL RESOURCES of the Draft EIR, and related technical appendices and responses to comments. A new Alternative F, which would preclude development with in the designated critical habitat for the California condor, has also been evaluated in response to comments, as described in Section 7.2.
Response 53 O.

This comment indicates that the “tens of millions” of dollars have spent on condor recovery and that condors may not recover to “self-sustaining levels” unless “adequate habitat” is protected.

Comment noted. It is important to note that the current condor recovery program includes three other locations (central California, Baja California and Arizona) in addition to the southern California region that includes Tejon Ranch. Recovery efforts in a fourth location are also likely to be implemented in northern California. Condors never nested on Tejon Ranch and suitable nesting habitat does not occur within the Ranch. Consequently, while the Ranch was used historically and is used currently as foraging and flyover habitat, active condor survival and recovery efforts exist in other parts of North America that do not rely solely on Tejon Ranch. In comparison with conditions 20 years ago, the status of the condor has markedly improved. By the late 1980s, less than 30 condors were still alive. The remaining birds were brought into captivity by 1987 for captive breeding purposes in an effort to save the species from extinction. At present, there are four separate breeding facilities in operation and maximum genetic condor diversity is maintained at three of these locations. In addition, the total population of California condors is currently over 300 birds. Absent an event that simultaneously destroys the current breeding and release program locations, and in significant contrast with the situation just two decades ago, there is little danger at present of the species becoming extinct. The historical and current importance of portions of Tejon Ranch for condor survival and recovery in southern California is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6), included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). The Draft EIR and CCP also address and consider the designation of approximately 131,947 acres of Tejon Ranch and 605,190 acres in California as condor critical habitat. Approximately 37,099 acres of the Ranch encompassing the Tunis-Winters Ridge area has historically been used, and is currently used, by condors for foraging and roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the U.S. Fish and Wildlife Service (USFWS) and lies outside of the Project area. As discussed in Draft EIR Section 3, in 2008 the Tejon Ranch Company (TRC) entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club, and the newly formed nonprofit Tejon Ranch Conservancy (Conservancy). The Ranchwide Agreement, in conjunction with the proposed Project, preserves approximately 240,000 acres, or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters Ridge area; and (3) a contiguous block of high quality condor foraging and roosting habitat that extends from the western Ranch boundary along the I-5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. In addition, the Project, the Ranchwide Agreement would result in the implementation of one of the most enforceable and extensive lead ammunition bans within the condor’s natural range, will generate significant funding for GPS monitoring technology, and will implement a variety of measures to contribute to the ongoing conservation and recovery of the species. As discussed in the Draft EIR and CCP, as a result of these measures and the permanent protection and preservation of approximately 240,000 acres of the Ranch, the proposed Project
will not significantly impact the condor or condor habitat and will maintain or enhance the value of the Ranch for the conservation and recovery of the species.

Response 53 P.

Commentor states that the County appears to have strategically issued this Draft EIR during the comment period for the Tehachapi Uplands Multi-Species Habitat Conservation Plan (MSHCP), which results in a large volume of information for the public to absorb. Please refer to Response to Comments 25-C and 59 regarding the time provided for review of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 53 Q.

Commentor believes that public participation is necessary in the environmental review process and, due to the volume of information made available, public participation is not possible. Please refer to Response to Comments 25-C and 59 regarding the time provided for review of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 53 R.

Commentor states that the Project needs to be reconsidered based on housing over-development, increased fuel costs, and the impracticability of sprawl development. To the extent these alleged conditions represent the physical environmental setting, it was against the baseline of existing physical conditions that Project impacts on the environment were evaluated. CEQA Guidelines § 15126.2(a). Project impacts in relation to existing and projected population and housing levels are addressed in Section 4.12 of the Draft EIR, POPULATION AND HOUSING. To the extent commentor is asserting that the Project is "sprawl", commentor is referred to the Response to Comment 24-J2. Commentor's opinions are also noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 S.

Commentor states that the cost to local, regional, state and federal government cannot be justified during a time when public budgets are running at deficit or inadequate levels. Although the comment does not specifically address the EIR, it is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 T.

Commentor urges that the Project be denied given massive impacts of this and other proposed projects to the Counties of Kern, Los Angeles and Ventura, and the State of California. Although the comment does not specifically address the EIR, it is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

To the extent that commentor asserts that the Project should be rejected based upon "massive impacts" of this and other cumulative projects in the region and the State, the Draft EIR identifies numerous mitigation measures to reduce Project impacts. Those few impacts that cannot be reduced to less than significant are identified in the Draft EIR Chapter 5, CONSEQUENCES OF PROJECT IMPLEMENTATION. In compliance with CEQA, the County will determine whether the benefits of the Project outweigh significant unavoidable impacts. Commentor's recommendation against Project
approval is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors. To the extent commentor expresses concerns regarding cumulative impacts, the Draft EIR analyzes and mitigates cumulative impacts within each impact category.

Response 53 U.

Commentor states that California growth cannot continue unabated, and that it would be "unconscionable" for Kern County to approve the Project given "massive impacts". The commentor's opinion of the Project is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 V.

Commentor states that California's last two centers of growth have been "maddening" and that the state has reached a "tipping point" with "sprawl development" in various locations that have resulted in bankruptcy and desertions. Commentor further states that only communities that are accessible to alternative transportation and proximate to employment areas have maintained their value. Commentor suggests that the Project is a "speculative venture" reliant on a new housing bubble. Commentor states that having local governments "pick up the tab" itself is a statement of overriding considerations that declares this Project should "not be built" in its current form or location. The commentor's opinions about the Project, and statewide and regional growth, are noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 W.

Please refer to the Response to Comment 53-V.

Commentor states that sprawl development in designated Southern California areas have resulted in deserted and bankrupted communities, and that only areas accessible by alternative transportation and proximate to employment areas (such as portions of Orange and Los Angeles Counties) have maintained their value. To the extent commentor is asserting that the Project is "sprawl," commentor is referred to the Response to Comment 24-J2. Mitigation Measure 4.3,7 also requires the Project to include a transit stop in the Project’s Village Mixed Use Center. In addition, the Project is in close proximity to employment opportunities in Tejon Industrial Complex at the base of the Grapevine. Comments regarding the status of developments in other parts of California, and the value of homes in other parts of California, are noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 53 X.

Please refer to the Response to Comment 53-V.

Response 53 Y.

Commentor states that some development in the Project site is possible, but notes that the proposed development must stay out of condor critical habitat, prevent impacts to 83 other rare species and vegetation communities, and avoid exacerbating negative air quality, greenhouse gas emissions, and traffic issues. A new Alternative F, California Condor Avoidance Alternative, evaluates a project configuration that would avoid designated critical habitat for the California condor, and is included in Section 7.2 of the EIR. Impacts and mitigation measures to protect sensitive species and vegetation communities are included in Section 4.4 (Biological Resources), air quality and greenhouse gases are addressed in Section 4.3 (Air Quality and Climate Change), and Section 4.15 (Transportation and
Traffic). The commentor's opinion of the Project is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 Z.

Please refer to the Response to Comment 53-Y.

Response 53 A2.

Commentor states that Kern County should protect the public from having to finance a project with adverse environmental impacts since the Project will likely fail financially due to fuel costs and commuter distances. Existing taxpayers in Kern County are not financing any component of the Project; the applicant, and new Project residents, are paying for Project infrastructure. The commentor's opinion of the Project is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.

Response 53 B2.

Commentor states its appreciation for the opportunity to comment on the Draft EIR and requests that it be kept informed of all information regarding the proposed Project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Commentor will be included on future notifications and documents regarding the Draft EIR.
Comment Letter 54

July 13, 2009

Craig M. Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, Ca 93301

RE: TEJON MOUNTAIN VILLAGE project Draft Environmental Impact Report

Dear Mr. Murphy,

The above-referenced project is, at present, best-known for the very real possibilities of wildfires and earthquakes. Has Kern County considered, in the event of disaster, a means of relieving the taxpayer of the huge financial burden? Could such cost be the responsibility of the project proponents?

Will there be any public review of the Development Mitigation contract with the SJVAPCD? Are there air monitoring devices at the project site?

The DEIR doesn't have much information on large mammals such as bears and mountain lions. How many permits to destroy mountain lions is the ranch obtaining presently?

The issue of Plague is ignored in the DEIR. For now it is confined. But if urban development at this site cause the plague to spread?

Are OSHA and SJVAPCD regulations designed to protect against Valley Fever? Were surveys performed to detect Valley Fever "hot spots"?

Were surveys conducted to detect Lyme disease?

Impacts to Los Padres national Forest appear to be understated,

Light and glare impacts should be delineated. As the DEIR stands now, it's difficult to judge if the mitigation measures will be effective.

Thank-you for the opportunity to comment. I would like to request notification of any future meetings and documents regarding this project.

Sincerely,

Mary J. Griffin
1904 Duke Drive
Bakersfield, CA 93305

Name: [Handwritten]
Comment Letter 54, Cont.

Southland fires tragic, but not unexpected

Four years ago, Mother Nature again sent a clear message. Get OUT!

And here we are watching it all go up in flames again. None of it is nearly the exact same area as back in October 2003.

What does it take for city and county planners down there to get a clue?

Stop allowing development in nature's fire pats!

Sorry if that sounds harsh, especially now as people want to know how much they lost and at least one person lost his life. I can't imagine what they're going through.

But I also think it's time (past time) for some accountability.

No one should be shocked, least of all officials who continue to allow development in well-worn fire paths, that the Santa Ana winds kick up every fall, creating a major fire hazard in the canyons and hillylands of Southern California.

These are notoriously dry regions and the Santa Ana hit every fall after a long, hot, dry spell known as summer. Every year, like clockwork. Can I make that point any more?

Look at Malibu. If ever there was a place that screamed "DON'T BUILD HERE" it's Malibu.

Please turn to HENRY / B3
Hundreds flee as fire burns out

Foothill blaze near Santa Clarita jumps lines, chars more than 4,000 acres

The Associated Press

SANTA CLARITA — A wildfire that had been 35 percent contained jumped fire lines in northern Los Angeles County and burned out of control, charring 4,207 acres and forcing evacuations of more than 600 homes Sunday.

The Foothill fire was among several Southern California blazes that have charred more than 40,000 acres in the last week. More than 6,000 firefighters have battled the flames amid dry conditions and temperatures climbing into the 90s.

It began Saturday east of Santa Clarita, and by Sunday afternoon winds of up to 15 to 20 mph had fanned it northeast where it threatened homes in the Fair Oaks neighborhood, county fire department spokesman Mike Brown said.

Mandatory evacuations were still in place for three nearby canyons, and a 10-mile stretch of the Antelope Valley freeway near Interstate 5 was closed Sunday. The cause of the fire was under investigation.

The Federal Emergency Management Agency on Sunday approved a request for federal funds for the fire. The federal agency has approved six requests for funds in California during the past week.

In Riverside County, fire officials had contained 50 percent of the 3,600-acre Melton fire. Full containment was expected Tuesday morning.

"We're continuing to improve lines, and we don't see much more growth in the fire," said Jim Boano, a spokesman for the California Department of Forestry. Mandatory evacuation orders were lifted Sunday for about 500 homes, but voluntary evacuations were issued for an additional 200 homes, Boano said.

The fire destroyed three single-wide mobile homes, seven vehicles, 11 outbuildings, one motor home and one travel trailer.

The blaze started when an unidentified person shooting target practice sparked a flame that spread to vegetation, officials said. The person was given a citation and may have to pay all of the firefighting costs, Boano said.

The Federal Emergency Management Agency also authorized funds early Sunday morning to help the state pay for the costs of fighting the Melton fire.

Meanwhile, firefighters continued to make steady progress against the Pine fire.

Please turn to FRES A5

Firefighters battle a wildfire Sunday near Santa Clarita.

GENE ELYNIS / LOS ANGELES DAILY NEWS
FIRES: Federal agency approves sixth request for funds to fight blazes in week

Continued from A1

that has been burning since last Mon-
day about 45 miles north of Los Ange-
les.

The fire was about 75 percent
-contained Sunday and had burned
16,792 acres, destroying three homes
and five outbuildings.

Two firefighters have suffered heat-
related injuries and one firefighter died
in a traffic accident while returning
home from the fire's front.

The fire had forced the evacua-
tion of nearly 1,000 people from rural
communities, but mandatory evacu-
a tion orders were lifted starting Friday
after winds pushed the flames away
from homes.

In eastern San Diego County, the
8,867-acre Mataguay fire that
destroyed two homes and four out-
buildings was extinguished Sunday
afternoon. The flames were ignited by
bottle rockets set off near Lake Hen-
shaw, and were 100 percent surround-
ed Friday night.

Another fire burned 92 acres and
forced authorities to briefly close
Interstate 8 in both directions about 60
miles east of San Diego, said CDF Capt.
Dan Pagano. That fire, reported at Sun-
day morning was fully surrounded by
the afternoon, and firefighters expect-
ed to extinguish the flames by tonight.

It was traced to a campfire; there were
no suspects.

A 4,000-acre fire in Riverside County
has been contained and two other fires
that burned about 500 acres were fully
controlled, officials said.

A lightning-sparked wildfire in
Yosemite National Park was being
allowed to burn because its slow-mov-
ing flames were clearing the forest
floor. The blaze has scorched at least
3,000 acres and forced the closure of
several popular trails.

Meanwhile, in Carson City, Nev., as
hundreds of firefighters mopped up
the last of the embers from a fire that
destroyed 15 homes and briefly threat-
ened the governor's mansion, other
crews were starting the job of replant-
ing the scorched ground.

"We began at seven this morning," City Manager Linda Ritzler told a Sun-
day gathering of about 50 people —
most of whom lived in the area of the
fire.

Fire officials said they initially
would create artificial terraces to slow
runoff this fall, then begin planting
grass and brush and finally put in trees.
The process was expected to take
more than a year.

The fire began early Wednesday and
quickly spread to cover 7,566 acres
along four miles of a Sierra foothill
ridge west of the state capital. Brisk
winds sent the flames within one-half
mile of the governor's mansion.

At one point, more than 1,000 fire-
fighters were on the lines, aided in an
aerial attack by air tankers and heli-
copters. By Sunday, the fire was more
than 85 percent contained and the
number of firefighters was edging
down to 1,000.

"The danger has passed," said
Stacey Gioni, acting Carson City fire
chief.

He said full containment could
come as early as tonight.

People who were evacuated from
the suburban communities were
allowed to return to their homes this
weekend.
Wildfires rage in Los Padres

LOS OLIVOS — A wildfire charred 6,000 acres of wilderness in the Los Padres National Forest on Saturday, threatening campgrounds and ranches and showing no signs of slowing down as it burned through chaparral in Santa Barbara County.

Evacuations have been ordered but residents of the few ranches in the area have chosen to stay in their homes, Santa Barbara Fire Capt. Eli Iskow said. The fire was heading east and north and also threatened some campgrounds and the historic Minnara schoolhouse, a century-old wooden building, Iskow said.

The fire was burning in a steep, remote area in brush and oak woodlands that had not seen flames for some 40 years.

More than 1,200 firefighters were on the line, battling flames by hand or with bulldozers and aided by nearly two dozen aircraft. Eleven crew members had been treated for heat exhaustion or minor injuries since the blaze began.

Temperatures were expected to be in the high 80s to mid-90s and humidity remained low Saturday.

Roads in the fire area were closed along with portions of the wilderness area.

Another brush fire in the Antelope Valley grew to 500 acres Saturday evening, jumping a freeway and threatening homes, according to Capt. Mike Brown of the Los Angeles County Fire Department.

Residents of about 40 nearby homes evacuated voluntarily and a shelter was set up at a nearby high school, he said.

The fire was reported just after 2:30 p.m. along the 14 Freeway south of Agua Dulce Canyon Road and near Vasquez Rocks County Park. California Highway Patrol closed the freeway between Shadow Pines Boulevard and Escondido Canyon Road.

About 300 firefighters were battling the blaze and officials were hopeful that cooler evening temperatures and calmer winds would aid in the fight, Brown said.

Three wildfires ignited by a lightning storm were still spreading quickly Saturday through a popular wilderness park in the Sierra's eastern front, officials said.

No injuries or fatalities had been reported, but more than 400 firefighters were battling the blaze that consumed at least 17,000 acres of the two-million-acre Inyo National Forest, forest spokeswoman Nancy Upham said.

Firefighters were also searching for and evacuating an unknown number of day hikers and overnight backpackers. The blazes are completely uncontained, she said.

Highway 395, which runs along the eastern spine of the mountain range, briefly reopened Saturday morning but officials closed it again from Lone Pine to Big Pine after...
Comment Letter 54, Cont.

THE BAKERFIELD CALIFORNIA A11

Forest, Antelope Valley

...fires continue to expand. Many smaller roads leading from the highway into the mountains were also closed. Numerous campgrounds and a lodge had been evacuated, Upham said.

"Things are very active right now," Upham said. "We will eventually get the upper hand but right now it's hot, extremely low humidity, windy and we're dealing with extremely dry vegetation."

The hounding storm that set off the blazes began around 7 p.m. Friday, igniting about 10 fires in and around the rugged park. The fires began in steep, difficult-to-reach terrain, stoked by daytime temperatures in the 90s and dry air, officials said.

The fires had spread overnight beyond park boundaries, into nearby Bureau of Land Management territory, onto water-system land owned by the city of Los Angeles, and into the Fort Independence Indian Reservation.

Crews on Saturday continued to seek backpackers trekking through the John Muir Wilderness, a 100-mile stretch in the Sierra Nevada that includes the tallest peak in the lower 48 states, the 14,496-foot Mount Whitney. It is one of the most heavily visited wildernesses in the nation.

Upham said the backpackers didn't appear to be in immediate danger. It was unknown how many hikers were on the trails, but about 25 cars were parked overnight Friday at the Union Valley Trail Head.

Several ranches, houses and buildings were threatened by the fire but no damage has been reported, Upham said.

The flare-up came about a week after firefighters managed to fully contain the Lake Tahoe fire that consumed 3,100 acres south of the scenic alpine lake and destroyed 254 homes.

But Upham said the relatively remote location of the Bums park fire made it "nothing like the scale of the Lake Tahoe fire."
Mixed results on pair of wildfires

The Associated Press

LOS OLIVOS — California firefighters struggled to surround a 13,501-acre wildfire in Los Padres National Forest, but a week-old 35,000-acre blaze in the Eastern Sierra was fully contained Friday.

The fire in the Los Padres burned eastward through the San Rafael Wilderness in the interior of Santa Barbara County. The 597-square-mile wilderness and surrounding areas of the forest were closed to visitors.

Crews were trying to prevent flames from jumping a river and possibly threatening the small town of Toposquet. The fire was 37 percent contained — a figure that had not changed for days.

Steep, broken terrain made it hard to fight the flames, fire spokesman Tony Guzman said.

The fire would have moved much faster if winds had picked up, but the weather in recent days has been relatively calm and humidity has been up, he said.

Brush and oak stands in the area haven't burned in 40 years. On the fire's eastern edge, terrain was too rugged for bulldozers and fire engines. Strike teams were dropped in by helicopter.

Twenty aircraft and more than 1,900 firefighters were working the blaze, which began July 4 from sparks from grinding equipment used to repair a water pipe. Fourteen firefighter injuries have been reported.

Santa Barbara County health officials issued an advisory because of smoke. Nearby residents were urged to limit outdoor activities and said people with asthma and other respiratory diseases should be cautious.

In the Eastern Sierra, the 35,000-acre fire in the Inyo National Forest was contained at a cost of $3.2 million.
Finding fault in earthquake zone

By ZERKE BARLOW
4th Floor, 3rd Street
FAIZER PARK — Rams Kennedy moved to Cuddy Valley about two years ago to get away from all the rumbling of Los Angeles.

Kennedy knew that the San Andreas Fault was "somewhere" near his new home when he signed a waiver but he never gave it much thought. The dream, quiet mountain living was worth it.

When his first yard turned into a pond this year, he realized it was all the misplaced rumbling off the mountain behind his house.

He never knew that the water was actually a spring, a pool of water that forms along fault lines. And he never knew that the San Andreas Fault cuts right down the middle of his house. Or that if the Big One ever hits, his house could split in half.

Now that he knows his house sits directly on top of the most infamous fault in North America, what does he think?

"I'm not still going to let it bother me," said Kennedy, a retired postal worker. "It'll ever happen it might be half of it.

He and his wife have lived through other earthquakes before and if the Big One rumbles his house, he figures it'll make it through that one, too.

Up here as an elevation of more than 4,500 feet, the San Andreas cuts through many of the tiny mountain communities. But many of those who live along the fault, which some say is like being at the foot of a volcano, give little, if any, thought to it.

Even the recent series of earthquakes that got Southern Californians saying of tremors garnered little more than a collective yawn for those who live on the cusp of two rattling tectonic plates.

While Kennedy's house sits right where the earth splits during the magnitude 7.5 earthquake of 1997, most of the hundreds of homes in the area sit within the fault zone, the area where the shift could happen again.

Gregg Wilsonson, just wishes people would give a little more thought to the fact that they live in the area that Lex Luther turned into counties in the movie "Superman."
Quake rattles area; no one hurt

By JENNIFER PLOTNICK 2-15-04

An early morning earthquake hit Kern County Saturday, but no injuries or damage were reported, according to county officials.

The 4.3 magnitude quake hit at 4:38 a.m. on the Wheeler Ridge fault line, according to the U.S. Geological Survey.

Kern County officials received no reports of significant damage, said Fire Capt. Phil Gray. The epicenter of the quake was about a mile south of Highway 108 and seven miles west of I-5, between Madera and Mariposa.

The Taft Police Department received phone calls about the shaking, but no one reported damage or injuries.

The Geological Survey received more than 170 responses to the earthquake from at least 42 ZIP codes, with the maximum intensity registering at...
EDITORIAL

Smog inaction gagging Kern

It's time to rattle cages in Washington. Pressure the federal government to meet its moral, ethical and legal responsibility to clean up our air.

In passing the nation's first emission rules for off-road diesel engines, the California Air Resources Board has done all the state can to reduce diesel emissions to help clear our air.

It is long past the time for the federal government to meet its responsibility for mobile sources of diesel pollution — primarily cars, buses, trucks and locomotives. These mobile sources are exclusively in federal jurisdiction. The state can't touch them.

So far, the feds have been dissuaded from targeting these sources by politically powerful lobbyists who represent affected industries.

The upcoming presidential election presents an opportunity for voters to press the need for the federal government to get serious about air cleanup. Candidates should commit to having the U.S. Environmental Protection Agency rein in mobile sources of diesel emissions.

The same pressure should be placed on candidates for the House of Representatives, all of whom will be up for election next year.

CARB's actions for static sources of pollution are especially crucial in the San Joaquin Valley and Southern California port areas. Diesel soot and nitrogen oxides are significant smog-producing components. CARB set standards for engines that power generators, air compressors, construction equipment and the like. Cost to comply with the new rules will be $13 billion, according to construction industry sources.

By 2020, according to CARB, the state regulations should reduce particle emissions (soot) by 5.2 tons per day and nitrogen oxides by 48 tons per day. The agency estimates that reductions would prevent 4,000 premature deaths in California and reduce health costs between $18 billion and $43 billion.

Cracking down will be an ever-present demand for cars today if the price of fuel is this high. The oil industry has poured millions of dollars into political campaigns in recent years, but all its political clout will be for naught.

Agriculture is ground zero for smog in Kern County. It must pay just like nearly everyone else.
Wild visitors too much to bear

Concerned residents take steps after bears cause damage in Sand Canyon

By Tim Bragg
Staff writer

Tom Shelton never had a problem with bears during the 10 years he lived in his Sand Canyon residence until about a month ago.

Then, trouble came to the area northeast of Tehachapi with a vengeance.

First, a group of black bears destroyed the amateur honey bee hives on his property. Then another trouble-making bear broke into his chicken coop and got stuck inside while petitioning the birds.

Bears also left nose prints on several windows in his house, indicating that some were planning an uninvited entrance. They also damaged a vehicle belonging to another area resident.

But bear and human contacts are not limited to Kern County. Other areas have seen incidents between bears and humans, including an unusual incident in New York on

Please turn to BEARS/A2

A black bear searches for food and water near a house in Sand Canyon.

Hoping to find a free meal, this black bear peeks into the back yard of a property in a residential area of Sand Canyon.
BEARS: Some residents have permits to kill nuisance animals

Continued from A1

Monday that left a young girl dead.

After holding a July 29 community
meeting with local wildlife officials to
get more information, some Sand
Canyon residents are now trying to
make their neighborhood bear-proof
in an effort to encourage the four-
legged food seeker to move on.

But just in case that doesn't work, at
least two residents, including Shelton,
have received 'depredation' permits
from the California Department of
Fish and Wildlife allowing them to kill
the bears if they cause trouble on their
properties again.

So far, no one in Sand Canyon has
had to use the permits. Shelton said he
doesn't want to use his if he doesn't
have to, but he also wants to keep his
family safe.

"I understand that we moved into
the bear's territory, the bear didn't
move into ours," Shelton said Tuesday.

Bill Daley, a warden with the Califor-
nia Department of Fish and Game,
said contacts between bears and
humans, like those in Sand Canyon,
are not unusual.

A drought has left much of the West-
ern United States, including the high
country of the southern Sierra Nevada,
low on both food and water. It's forcing
the bear to look for food in lower eleva-
tions.

At the same time, more and more
people are moving into rural areas that
have traditionally been bear country.

Those conditions often lead to
bears searching for food on or near
human property.

"The berries and other sources of
food are starting to dry up," Daley said.

"The bears are attracted to food with
a high-fat content, like pet food, because
winter is coming and they need to bulk
up."

Daley said the Department of Fish
and Game takes steps to prevent bears
from having to be killed, including pub-
lic meetings like the one held for Sand
Canyon residents to disseminate infor-
mation on what people can do to pre-
vent bears from invading their proper-
ty.

But he said the state will issue a per-
mit to kill problem bears if an investi-
gation by fish and game officials con-
firm the bear caused property damage
or harmed a person.

The permit doesn't allow its holder
to trespass on another person's private
property, or to kill the bear in a "no
shoot zone," such as populated areas
and towns.

"It does not exclude the (permit
holder) from following other laws," Daley
said. "If they do kill the bear, they
have to notify us. They cannot
keep the hide or any other parts of the
bear as a trophy, because we do not
want people thinking this permit can be
used for regular hunting."

In an effort to make his property a
less appealing target, Shelton said he is
putting a lockable garbage bin that will
keep bears out of his refuse, because
food scraps are tempting treats for
hungry bears.

He is also clearing up any pet food
left outside and is taking in bird feeders
and hummingbird feeders at night. Shel-
ton also plans to move his bee hives
well away from his residence.

"You have to figure there's going to
be some wild animals in this area," Shel-
ton said.

So far, his efforts have paid off. He
last spotted a bear Sunday, and that
bear didn't cause any trouble.

Other parts of Kern County are also
seeing bears this time of year.

Teresa Benson, a wildlife biologist
with the National Forest Service, said
some bears are moving down the Kern
River Canyon to lower elevations.

Some may be fleeing areas blackened
by the McNelly Fire, but she said most
are just on a yearly migration, seeking
areas with better supplies of water.

"We've had some bears sighted in
some of the fire camps in wilderness
areas," Benson said. "The camps that
are way out in the wilderness have a
hard time getting rid of trash, which
attracts the bears."

Daley said bear contacts are not
always limited to rural areas.

In May 2000, a black bear settled in
a clump of trees near an apartment com-
plex at the corner of Pinecrest and
Palo Alto Drive in Metropolis Bal-
comefield. The bear was eventually
captured with the aid of tranquiliz-
er darts after a short chase.

And bear sightings are not limited to
the West Coast. Wildlife officials in
New York state reported a black bear
dragged away and killed a 6-month-old
girl in a resort town Monday. The bear
was killed.

Daley said bear attacks on humans
are extremely rare.

"normally, a bear won't come at
you," Daley said. "But let the bear
know you are there and they'll usually
walk away."

Daley said attacks generally only
happen when a person surprises a bear.

If that happens, he said, do not turn
and run. While it's true bears eat lots of
plants, that doesn't make them like
Winnie the Pooh. They also eat meat
can run much faster than a human.

"Bears have poor visual acuity," he
said. "It's best to make yourself look
big, like you're something they don't
want to mess with."

— The Associated Press con-
tributed to this report.
Keeping bears at bay tricky

Pair have had unwanted visitor in house — twice

BY EMILEIGH BARNES 7-24-07
California staff writer

PINE MOUNTAIN CLUB — When Bobbi Marvel jolted awake in the early morning of July 6, a black bear was clawing his way into her bedroom.

All she saw was a blur, but the creature had pushed its way through the screen and knocked over her fan, all on a quest to reach the freezer of food tucked away in the bedroom’s closet.

Bobbi screamed.

The bear tumbled back outside, leaving Bobbi terrified.

That night wasn’t the first time the bear visited the Marvels.

Only a few days before, it pawed through a screen and into the couple’s living room before Tim scared it away. The bear’s nose print remained on the kitchen window on Monday.

And the bear may have been prowling around other neighborhood houses, too, according to the Marvels and the leader of a local group concerned about bears.

“Bears are always a nuisance up here, have been for a number of years,” said Tim Marvel, Bobbi’s husband.

“But only because of food from humans have they become humanized,” Bobbi added.

Worried for their safety, the couple requested the California Department of Fish and Game set a bear trap on their property.

But on the official trap request, the Marvels agreed that Fish and Game could euthanize the bear after catch-

Please turn to BEARS / A3

WHAT ATTRACTS BLACK BEARS:

• Human garbage
• Compost
• Bird seed
• Smelly barbecues
• Dog and cat food left outside
• Anything rotten

Source: Los Padres Bear Aware
BEARS: Couple felt like they were 'victims,' woman says

Continued from A1

ing it, as is sometimes the practice when officials nab animals that have become humanized.

"We feel like we were victims, because we were doing everything possible to prevent this from happening," said Bobbi, who added she never leaves food or trash outside where a bear could stumble upon it.

Upon hearing that the bear might die, Los Padres Bear Aware organized a group of volunteers to sit outside the trap, 24 hours a day. If the bear appeared, the group — composed of locals devoted to disseminating information about bears — vowed to scare it away from the trap.

"There were lots of non-lethal actions to be taken other than to kill the bear," said Liz Bolden, who founded the group. "I'm really interested in solution and a very calm, fact-based approach."

The bear didn't return to the Marvel house, but Bobbi said within a few days she began to regret having the trap on her property.

Before the week ended, the Marvels asked Fish and Game to remove it.

"There was a lot of misunderstanding and rumors (in the community)," Bobbi said. "We're for educating people, because people are what have caused the problem. We all want the same things, the bears to be safe, us to be safe."

Bolden said several things usually lead to a bear becoming humanized.

Bears are attracted to humans because of their garbage. Some people will feed the wild animals, which Bolden said encourages bears to get into human belongings.

"Before you know it the bear's on your porch or coming through the window," she said. "I think it's important we learn to co-exist, because I believe that all life has a lot of value."

Bolden said the bear invasion would, in the long run, be a positive event for the community. The community is now moving to bear-resistant trash receptacles.

Also, in light of the recent bear incidents, the Pine Mountain Club board of directors adopted a series of rules to help prevent further bear break-ins.

The rules include bans on feeding any bears, leaving food unattended outside houses and putting food containers inside carports.

The "emergency rules" also require all trash containers be secured to prevent the animals from foraging in them.

Even though the bear and the Marvels remain unscathed, Bobbi and Tim said the run-in continues to haunt them.

"Of course we keep everything locked at night, and we don't go out," Bobbi said.
Workers kick up protest over valley fever con

Sick employees from out of state say they weren’t warned about risks at McKittrick site.

By MICHELLE TERWILLEGER

Hundreds of construction workers from across the country have come to McKittrick since February 2000 seeking hard labor and good pay.

At the construction site of La Paloma power plant, they have cashed in on that opportunity, but a few also have ended up with a deadly little-known outside these parts — valley fever.

The disease, caused by a fungus endemic to the Mojave Desert, can present as a mildly flu-like illness or, in some cases, works extremely ill.

The sick employees believe they could have been better informed about the job site and believe the workers’ compensation officials with Asten-Owens contracting company at the site is not doing enough to protect and inform workers telling whether the employees are sick.

Please turn to 1
VALLEY FEVER: ‘We’ve done all we can’ about informing workers,‘

Continued from A1
illness at work, or elsewhere.
But workers aren’t buying it.

Nomadic workers

Raymond Marks, a union pipe
welder, traveled from Oregon with his
wife last fall to work at La Paloma. The
power plant, owned by Pacific Gas &
Electric Co., is scheduled to be com-
pleted by the end of this year.

Sporting a hard hat, boots and overalls, Marks worked 10-hour shifts six
days a week. But just a month after
working there, he felt very tired and
had chest pains.

“I felt like I was having a heart
attack,” he said.

As a diabetic, valley fever hit him
hard, even as he was still learning what
it was. He lost weight rapidly and his
blood sugar went out of control.

Marks, 56, said if he had known
about the disease, he never would have
come to the area.

“It’s really a shame that they didn’t
tell anybody about this,” he said.

“They’re taking my life into their
hands.”

Valley fever, or coccidioidomycosis,
is a disease caused by inhaling spores
from the fungus Coccidioides immitis,
which grows in the soil in Kern County
as well as other parts of the southwestern
United States.

Most people outside endemic areas
don’t know about it, and several workers
thought valley fever was a joke
when they first heard about it.

Experts say many people in the Bakersfield area have been exposed to the
fungus and don’t know it because it
usually results in no symptoms or only
flu-like symptoms. Usually, people will
don’t develop the disease again after
they have had it once.

When valley fever is more serious, it
develops into pneumonitis, can cause
permanent damage, neurological
problems and in rare cases, results in
death.

The fungus grows primarily in the soil in the foothills, areas like Lost Hills and
McKee ranches. However, winds can carry dirt and dust with the spores for many miles, leading
to exposure throughout the valley.

Because it is nearly impossible to
determine where a valley fever patient
breathed in the spores, insurance
companies, regulating agencies and the Kern County Department of Health
cannot pin the cases on La Paloma.

“You can get it anywhere in this
general region,” said Pete Asuncion, safety
manager for Atcon Power.

Infected workers could have con-
tacted the disease driving to and from
work with the windows rolled down

said Kurt Emery, assistant director of
disease control for the Kern County
Department of Public Health.

But patients argue that since they
spend most of their waking hours at La
Paloma and their family members
haven’t gotten the disease, odds are
they got it on the job.

Fever on the rise

Wherever they inhaled the fungus,
odd were against these workers last
year.

In 2001, the number of valley fever
cases doubled from the year before.

Health officials worry it might be the
beginning of another epidemic like the
area experienced in the early 1960s,
but they aren’t sure.

Although sick employees are calling
the disease an epidemic, Asuncion
said approximately eight workers
have come down with valley fever at a
site where there are about 1,000 people
work every day.

County health officials have only
confirmed two cases of valley fever
among workers at La Paloma, but The
California said with six workers
who said they had been diagnosed
with the illness while working there.

Randy Quinn, a pipe welder who
was working for University Marellich
Mechanical, a subcontractor at La
Paloma, is upset about all he has been
through since coming to the work site.

Quinn became very ill from valley
fever, waking up with night sweats so
bad he had to change his sheets two to
three times a day.

“I woke up soaking wet,” he said.

“T was very, very sick. I was sicker than
I’ve ever been in my life.”

He lost a lot of weight and his joints
and body ached.

“I looked at myself in the mirror, it
scared me,” he said. “It hurts so bad,
you can’t stand to be inside your body.”

Quinn is upset because he doesn’t
believe his employer treated him fairly.

Although he is feeling better, he refus-
es to go back to University Marellich.

“The company didn’t notify us. If they had
told us about this, I wouldn’t have come
here,” he said.

“I’m very angry about it.”

Asuncion said safety officials informed workers
about the disease and that some sick
workers just want to squeeze more
money out of workers’ compensation.

“We’ve done all we can,” Asuncion
said. “These disgruntled employees,
they try to set pictures in everybody’s
heads that we’re the bad guys, and
we’re not.”

Because employees can’t prove they
got valley fever from the work site,
you usually don’t receive workers’
compensation for their time off
work.

Blowin’ in the wind

Asuncion said contractors have made
efforts to reduce the amount of dust
blowing around on the site by
watering it down regularly.

“We’ve kept the work site clean and

54-S Cont.
"We're not the bad guys," company safety manager says.

Several workers at the La Paloma co-generation power plant being built near McKittrick have valley fever.

The company's safety manager, Mark Pope, said that workers were not exposed to any health risks due to the valley fever. He explained that the construction site was far from any residents' homes and that the workers were provided with proper safety equipment. He emphasized that the company was committed to maintaining a safe working environment for all employees.

In this file photo from January 2001, crews excavate the soil at the construction site of the La Paloma power plant in McKittrick.

The construction site of the La Paloma power plant was located near a valley where valley fever is prevalent. However, the company's safety measures were effective in keeping the workers safe from any potential exposure. The safety manager assured the workers that they were not at risk and that the company was dedicated to maintaining a healthy work environment.
DISEASE: Difficult to diagnose

Continued from 81

The state team of biologists Richard Davis and graduate students from a class he teaches at California Polytechnic State University, San Luis Obispo, are following up on the discovery last year of a Lyme-infected tick at nearby Fort Tejon and subsequent, unconfirmed reports of cases of Lyme disease in the vicinity.

"We work closely with state health officials," said Los Padres deputy forest supervisor Mark Bethke. "We defer to Dr. Davis and his team as the experts. We will listen closely and follow his advice."

Davis told a meeting of the Mountain Communities Town Council on Tuesday that Lyme disease is difficult to diagnose, especially by physicians in the western United States who are unfamiliar with it.

"The disease is seen more often by physicians in the Northeast, and the questionable reliability of accepted tests compounds the problem," he said.

Local physician Dr. Tina Haller-Wade of Clinica Sierra Vista's Frazier Mountain Health Center welcomes the study.

"Something's fishy," she said. "I hear hundreds of people are being told they have Lyme, but no cases are reported. A doctor might neglect to report one or two, but not a hundred."

This study hopefully will clear up some of the questions surrounding this mystery. It also underscores the need for a Kern County vector disease patrol.

The Kern County Health Department received one report of Lyme disease last year, in which the patient was found to have been infected in Sonoita County, according to Steve Torreal-Petrie, assistant director of disease control. No cases have been confirmed by Health Department officials this year.

Davis said Lyme disease symptoms in the early stages might include a rash around the tick-bite area and flu-like symptoms, gradually leading to pain similar to rheumatoid arthritis and ultimately to severe neurological and cardiovascular problems. The disease is treated with various antibiotics.

Bethke and Davis advise that campers and hikers wear long pants to avoid being bitten by Lyme disease-carrying ticks. But if bitten, remove the tick with tweezers, cleanse the wound thoroughly with a strong antiseptic. Campers should consult a physician if they believe they might have been infected.

The only confirmed case of hantavirus in Kern County resulted in the death of a Mojave man in 1994, of only 183 cases reported nationally since 1983.
Kern getting hit hard by valley fever

Number of county cases on rise in recent years; this may be worst year in decade

By QUINN EASTMAN

cell: eastman@bakersfield.com

This year could be the worst for valley fever in a decade, county health officials said last week. Kern County could have as many as 1,500 reported cases by year's end.

Health officials aren't sure whether a heavy load of valley fever cases in autumn will follow the high number reported so far this year, about 600. Usually the number of cases of the fungal respiratory disease builds throughout the year, with most cases occurring from August through November. Valley fever cases in Kern have increased in the last several years. The county saw between 300 to 500 cases a year in the late 1990s, but the figure reached almost 1,500 last year.

Valley fever is a respiratory disease caused by the fungus Coccidioides immitis and is spread by fungal spores in the air.

The spores get in the air when construction, digging or dust storms disturb the soil where the fungus lies. Construction workers, military personnel and archaeologists are among those at highest risk for getting the disease, according to the state health department.

The kinds of people who are getting valley fever are not changing, said Kurt Emery, an assistant director of disease control for the county.

Paul Alexander, 48, a safety coordinator for Pacific Gas and Electric, contracted the disease in April.

"All the symptoms you could have, I had," he said.

"Flu-like symptoms, desert bumps," he said referring to his rash from valley fever.

And he's still feeling the effects; Alexander said fatigue and respiratory problems are still bothering him.

He blames construction around his house in Bakersfield in April for spreading the disease.

"It was a real surprise," he said. "I worked in the field for years and didn't get it."

Most people who are infected with valley fever do not get sick, and the 40 percent who do have flu-like symptoms for about a month. Less than 1 percent develop disease that spreads beyond the lungs to the bones and nerves.

Emery stressed that early diagnosis can help prevent the disease from spreading beyond the lungs, and that people working outdoors should go indoors or wear masks during especially dusty conditions.

Kern County usually reports the majority of valley fever cases in California, but other counties, such as Ventura and San Bernardino counties, are having more cases this year.

In fact, Ventura and San Bernardino counties have had higher percentage increases this year than Kern.

County health officials in those areas are blaming the wildfires that devastated those areas last year. They are suggesting that the state study a possible link between the destruction of ground cover and the spread of valley fever.

Kern County accounts for more than a third of valley fever cases statewide so far this year, according to the state health department.

Officials with the Valley Fever Vaccine Project, based in Bakersfield, report that it is nearing development of an experimental vaccine to test on animals and humans within a year.
RUINED RELICS
Crumbling Cultural Resource Protection
In
Los Padres National Forest

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United States Forest Service

About PEER

Public Employees for Environmental Responsibility (PEER) is a national alliance of scientists, land managers, biologists, law enforcement officers and other government professionals committed to upholding the public trust through the responsible management of natural resources.

PEER advocates sustainable management of the public resources and the proper implementation and enforcement of environmental protection laws. In so doing, PEER seeks to be a catalyst for supporting professional integrity, ethics and accountability in government resource agencies.

PEER provides public employees dedicated to ecologically responsible management with a safe and credible voice for expressing concerns.

PEER's objectives are to:
1. Organize a strong base of support among employees within local, state and federal resource management agencies;
2. Monitor land management and environmental protection agencies;
3. Inform policymakers and the public about substantive issues of concern to PEER members; and
4. Defend and strengthen the legal rights of public employees who speak out about issues related to resource management and environmental protection.

PEER recognizes the invaluable role that public servants play as stewards of our natural resources and works on behalf of resource professionals who advocate environmental protection in a responsible, reasonable manner.

For more information about PEER and other White Papers covering a variety of issues, contact:

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About This Report

Ruined Relics is an account by former cultural resources staff and volunteers of Los Padres National Forest documenting the dramatic decline of one of the premier historical preservation programs in the nation. The consequences of this decline have been the loss of, and unnecessary damage to, priceless historic artifacts and loss of public trust.

At one time, the Forest had a highly qualified and experienced professional cultural resource staff with a firm belief in historic preservation and the value of cultural resources. Under the guidance of these professionals, Los Padres NF was widely acknowledged for the diversity and accomplishments of its cultural resources program. One by one, the leaders of this professional team have been replaced.

This PEER white paper is an attempt to air the issues that contributed to the destruction of the cultural heritage program and that threaten the historic and prehistoric resources the program is charged with protecting. The white paper also recommends next steps for the future of this program at Los Padres so that the needless damage of cultural and scientific treasures will end.

In order to avoid detracting from the message, the messengers behind this report have chosen to remain anonymous. As all the material cited within is on the public record, they believe that the facts presented speak for themselves.

PEER is proud to assist conscientious public servants who have dedicated their careers to the protection of our country’s resources and the faithful execution of our environmental laws.

Jeff Ruch
PEER Executive Director

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Comment Letter 54, Cont.

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Rock art in Sierra Madre Archeological District, Los Padres National Forest.
Executive Summary

Los Padres National Forest holds one of the nation’s most valuable collections of historic and prehistoric sites. The cultural, educational, and scientific value of Los Padres is enormous and largely untapped. But rather than protecting and inventorying these valuable resources, Los Padres National Forest managers have shirked their stewardship responsibilities by permitting activities that damage or destroy these artifacts, in violation of federal law.

Under the leadership of Forest Supervisor Jeanine Derby, the Forest has given low priority to cultural resource protection. Construction projects, fire-prevention practices, motorized vehicle trails, cattle grazing and recreational uses have all contributed to permanent damage of irreplaceable scientific treasures.

After Forest archaeologists brought examples of these problems to the attention of the State Office of Historic Preservation in the mid-1990s, Derby and other Forest leaders retaliated against the professional staff that blew the whistle. The staff were relieved of some of their cultural resource responsibilities and replaced by less experienced but obedient employees.

As a consequence, unnecessary damage to cultural sites continues on Los Padres Forest and remains a concern to archaeologists both within and outside the Forest Service.

- A popular off-road recreation area is impacting historic and prehistoric sites because Forest management abandoned an environmental analysis of the Off-Highway Vehicle (OHV) trails. Cattle grazing and a campground are damaging ancient rock art and other sites in the Sierra Madre Archaeological District.

The Forest is relying on outdated, often inaccurate resource surveys to approve projects, and the required consultation with local tribes is deficient or non-existent.

The archaeologist who established the Forest’s award-winning volunteer program, Partners in Preservation, is one of the Los Padres whistleblowers and was subsequently banned from participating in the program. “Partners in Preservation” has essentially been abandoned, operating only as a shadow of its former scope and importance. Site damage documented and reported by volunteers goes unaddressed or unacknowledged.

Ruined Relics concludes with the authors’ recommendations on the steps required to restore the cultural program at Los Padres and to protect the rich but endangered relics that are an irreplaceable part of our national heritage.

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I. A Forest on Probation

Los Padres National Forest is home to an incredibly rich archaeological and historical record. The range of ecosystems, from the intertidal zone to the Upper Mojave, has produced an unsurpassed archaeological record of human adaptation to these environments as well as to now-vanished paleo-environments. The Forest was the ancient home of Chumash, Salinan, and Esselen Indian Tribes.

Numerous prehistoric rock art sites make up an especially unique and fragile aspect of this archaeological record. Los Padres contains one of the richest records of abstract, or non-representational, prehistoric paintings in the world, as well as hearth stones and other artifacts dating back six thousand years. The Forest’s recent historic record is also significant, reflecting the Spanish colonial period as well as sites of early homesteading, ranching, and mining. Also represented are historic Forest Service buildings, including lookout towers and ranger stations, Civilian Conservation Corps construction projects, such as ranger stations, roads and trails, as well as.

Historic Preservation Mandate

In 1966, the National Historic Preservation Act (NHPA) established guidelines for evaluating and protecting our nation’s cultural and historic resources. Specifically, Section 106 of the Act requires that federal agencies must consult with the State Historic Preservation Officers, appointed in each state, to administer the National Historic Program and the NHPA for all federal undertakings.

In order to streamline approval of projects that will not affect cultural sites, the Forest Service in California has a Programmatic Agreement (PA) with the State Office of Historic Preservation (SOHP), allowing the Forests to proceed with most projects without consultation. Undertakings that will affect sites must still comply with the requirements of the National Historic Preservation Act, including consultation. The Los Padres National Forest, however, has an extensive record of violating the Section 106 requirements and failing to consult on a number of projects that do affect sites and are therefore not covered by the PA.

As a consequence of the whistleblowing by the Los Padres cultural staff, in February 1998 the Regional Office of the Forest Service conducted a review of the Los Padres cultural resources program. In May 1998, in 1999 and again in 2002 the Regional Forester placed Los Padres on "provisional status" under the PA, primarily because previous failures to comply with the requirements of the Agreement have not yet been resolved. Under the terms of

Acronyms

Here are a few common acronyms used in this white paper:

NHPA: National Historic Preservation Act
PA: Programmatic Agreement between the Forest Service and the SHPO
SHPO: State Historic Preservation Officer
USFS: United States Forest Service

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the PA. Once a Forest is placed on provisional status, it is provided one year to correct the identified performance deficiencies, after which the Regional Forester may suspend it from use of the PA. Despite unresolved deficiencies, Los Padres continues to operate under the PA, but in a provisional status.

In May 1998, in 1999 and again in 2002 the Regional Forester placed Los Padres on "provisional status" under the PA, primarily because previous failures to comply with the requirements of that Agreement have not yet been resolved.

Historical Malfeasance

In 1995 and 1996, Los Padres' cultural resources staff blew the whistle on a number of egregious cases in which Forest management had violated the law. In some of these cases there was damage to archaeological sites. In other cases the whistleblowing averted the damage to the sites. A few examples include:

- Arrayos Seco Recreation Area: During the 1980's, Los Padres National Forest completed a cultural resources survey that suffered a number of deficiencies. The survey failed to assess the impacts of recreation on significant historic and prehistoric sites, including an ancient rock shelter listed on the National Register of Historic Places that suffered numerous incidents of illegal excavation and artifact theft. When the Forest Service Regional Office provided funding to conduct additional studies, Los Padres management diverted those funds to cover unbudgeted expenses for completing development of the recreation area instead. As a result, the studies were not completed, and became a "foreclosure" under Section 106 of the National Historic Preservation Act (see sidebar, page 8).

- Snowy Cliffs Highway Vehicle Trail: This project turned on an arcane point—defining the scope of the cultural surveys necessary to satisfy the requirements of Section 106. The cultural resources staff, the Advisory Council on Historic Preservation, and the California Historic Preservation Office took the view that the entire trail was the "undertaking" while the Forest insisted that only a new, major reroute of the lower half of the trail was subject to review, although significant historic sites are situated along the abandoned portion.

- Cucamonga I and Cucamonga II Fuel Management: These were prescribed burning projects that were implemented before required cultural studies were completed and thus violations of law, regulation and Forest Service policy. The violations were brought to the attention of the Forest Service Regional Office and the California Office of Historic Preservation. Rather than acknowledge the bad management decisions that led to these foreclosures, the Forest Supervisor attempted to shift blame back to the same cultural resources staff that had objected to those decisions. The whistleblowers had many of their cultural resources responsibilities suspended, and those duties were assigned to less experienced or less qualified employees.

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The Forest agreed to a schedule of corrective actions with the Advisory Council on Historic Preservation, but the end date of that schedule passed over two years ago.

To date, some of the agreed-upon actions have been completed, while others were not funded or are pending for other reasons. Progress has ceased on the foreclosure resolutions.

At Arroyo Seco, the Region had agreed again to provide funding to study the outstanding cultural resource issues over a three-year span, and much of the work was completed. However, during the third year of funding, Forest management directed the cultural resources staff to stop further spending and all remaining funds were either absorbed into the larger Forest budget or were returned to the Regional Office. Today funding is unavailable to complete oral history work, implement protective measures or complete the required final report.

With the Snowy OHV trail, the Forest was forced to agree with cultural resource staff and the compliance work was done for the entire trail project. However, a historic mining building along the trail, the "Baker Cabin," is unprotected, and three years of stabilization work has not been completed.

A historic Chemehuevi village site, situated along the now abandoned lower portion of the Snowy Trail, determined eligible for the National Register of Historic Places, is still in need of stabilization and protection.

Studies conducted after the Guyma prescribed burns indicated there were significant impacts to a prehistoric site. The evaluation of that site is incomplete although a graduate student from UCSB is working on the project. Measures to protect this site from vehicles, livestock, and other impacts have not been implemented.
II. Business as Usual

While the original foreclosure cases languish in various stages of correction, a smorgasbord of new problems, negligent behavior and illegal orders continue to threaten historic and prehistoric sites on the Forest.

Bulldozing East Dry Canyon

The archaeological record indicates that the canyon was once the site of either an ancient village or a long-term hunting camp occupied by the Chumash Indian tribe. A significant site for both anthropological artifacts and Miocene fossils, including camels, horses and turtles. East Dry Canyon sustained devastating and unnecessary damage earlier this year as a result of negligent oversight.

In March 2002, volunteers observed that Forest Service road construction had exposed an archaeological deposit. The project was going ahead without a construction monitor on site. Monitoring is a standard procedure whenever buried archaeological sites are suspected, and had been called for on this project by the former Forest Archaeologist. Although not formally evaluated, the damage was observed to be extensive, destroying artifacts and the archaeological context necessary to interpret the remaining record.

The current Forest Archaeologist had been notified of the construction dates in advance, but failed to have a monitor in place. As a result, over three cubic meters of irreplaceable artifacts were disturbed.

Fire and Fire Prevention

Wildfire management is not exempt from the National Historic Preservation Act. In fact, wildfire suppression, especially the construction of bulldozer lines, can cause significant damage to archeological sites. A single bulldozer line can obliterate a 10,000-year-old site in a matter of minutes. Even so, Forest Service officials realize that wildfires are a special situation requiring flexibility and an overriding consideration for safety.

The Wolf Fire, which raged for two weeks in June 2002, burned almost 23,000 acres. The fire and bulldozed fire lines severely damaged known prehistoric sites. In each case, fire control personnel and the inexperienced lead archaeologist assigned to the fire failed to take even the most basic measures to avoid permanent harm.

One of these sites, situated above the Sespe River, had already sustained bulldozer damage from an earlier fire. The site location was well documented, and the specifics were made known to fire management personnel. During the Wolf Fire, a bulldozer line was plowed through the site, even though the location of the site was made known to fire management personnel by archaeologists assigned to the fire. Typically, bulldozer lines are designed to avoid known archaeological sites or to avoid the kinds of terrain where sites would likely be encountered. In this case, the damage was done, but the fire break was neither needed nor used for fire suppression.

A second site, near Mutsu Flat and previously unrecorded, was discovered during bulldozer line construction. Still, a fire break was completed through the site before the extent of damage or the site's significance had been scientifically evaluated.

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A prehistoric rock art site with international significance was badly damaged by smoke and heat. The Piedra Blanca rock art site consists of several red-painted condors, star symbols, and a bear shaman situated on a black background. Because the Zone Archaeologist normally responsible for the Piedra Blanca site was still facing retaliation for the 1995 disclosures, an inexperienced student was assigned to be lead archaeologist for the fire. The student refused to get into the site early on when there was still ample opportunity to safely install protective fire shelters over the site. Later, when the Zone Archeologist was allowed into the area, it was too late to install protective measures because of the proximity of the fire.

In each of these cases, no efforts were taken to avoid damages, even though such effects could have easily been prevented. Because there were no proper site evaluations, the total extent of damages from the Wolf Fire will never be known.

It is unclear whether the Forest notified the SHPO of the emergency as required under the Programmatic Agreement. The damage caused by wildfire suppression is a continuation of damage permitted to occur with impunity during the Marre fire of 1993, the Wild fire in 1996, Plestuk II fire in 2000, and other wildfire incidents in the Los Padres. As with the East Dry Canyon case, the harm has not been evaluated and there has been no accountability for the damage.

In March 2002, Los Padres National Forest and other agencies conducted a controlled burn in the area within the Sage Hill Prescribed Burn Project. The burn area also included the privately-owned San Fernando Rey Ranch adjacent to the Forest. The fuels archaeologist, along with the biologists monitoring for environmental compliance, were ordered to stand down during the private phase of the burn. However, the entire project is a federal undertaking because federal dollars were expended on the private property and the burn on private land was done in conjunction with that on public lands.

No pre- or post-fire survey or monitoring was conducted on either the private or the federal portion, as was called for in the original archaeology report, therefore it is not known whether any sites were damaged. Since fire has effects on archaeological and historic sites, failure to conduct a survey within the burn area itself is a violation of Section 106 and constitutes a forclosure.

Condor Image at Piedra Blanca before it was damaged by fire.
III. Trampling Treasures

All forms of recreation can impact sensitive sites. Because Los Padres NF is a popular destination for Off-Highway Vehicle (OHV) enthusiasts, equestrians, and campers, the need to manage significant areas is obvious. But once again, Forest managers have refused to protect these sites, even when simple steps could be taken.

Motorized Recreation

The network of OHV trails in San Luis Obispo is impacting more than 30 carefully documented prehistoric and historic sites. Direct impacts result from mechanical erosion when motorcycles and other off highway vehicles cross directly over a site deposit. Indirect effects stem from erosion and deposition of offsite sediment onto the surface of archaeological sites. More than a decade ago, cultural resources staff proposed a program to monitor and evaluate this damage as part of the implementation of the OHV plan, but Forest management elected to abandon that environmental analysis, thus permitting site damage to continue—with the exception of protection measures taken on two specific sites on the "Burnout Trail."

In 1995 the Forest began a study of archaeological sites and OHV impacts at Gold Hill Campground, a popular OHV "sacifice area". A sacrifice area, as the term implies, is an area that is open, with few use restrictions, without maintenance or management, where destruction of resources is assumed and deemed an acceptable trade-off for allowing off-road recreation.

The area includes significant archaeological features such as hearths, rock art, and what is known as a "spring mound" - a raised area, covered by willows common to desert environments. Spring mounds provide a fossil record of pollen and other organic materials that, in other locations, have yielded information important to the understanding of paleo-environments and climate.

The archaeological record of these sites would provide valuable information on 8,000 years of cultural evolution and adaptation. Unfortunately, the Forest simply stopped its evaluation program on a number of historic and prehistoric sites at Gold Hill. The program was originally designed to include analysis and documentation from a student employee, but when that employee left, Forest managers failed to fund completion of the work, and the sites remain substantially unprotected. Trail funding has since been diverted to other priorities within the Forest because of concerns that the evaluation program may upset the Forest's OHV constituency. The off-roads' fear of trail closures could result in their opposition to the awarding of State OHV grant funds to the Forest.

The network of OHV trails in San Luis Obispo is impacting more than 30 carefully documented prehistoric and historic sites.

Impacts, however, are ongoing. The sites receive damage almost daily from OHVs and related camping. Gold Hill sites adjacent to Hungry Valley State Vehicular Recreation Area, which contributes to its popularity. Many thousands of visitor days of use occur at Gold Hill, particularly in the spring. In addition, several OHV routes emanate from the area so that Gold Hill functions as a trailhead with large areas for a low-grade camping experience.

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Non-motorized Recreation
A proposed program to evaluate and protect prehistoric sites on the trail network in and around the Santa Ynez Valley was similarly ignored. In consultation documents, the Forest promised SHPO that its staff would evaluate the sites along the trails, but the studies were never conducted. The type of sites characteristic ly found damaged along the trail system normally represent small, temporary encampments, but some longer term villages have also been damaged. Artifacts found at these types of sites include grinding implements, bone and shell tools and ornaments, flaked stone tools such as projectile points, and the waste material from manufacture of flaked stone tools. In addition, animal bones are commonly found on the surface of such sites. This area continues to sustain damage from equestrian use, mountain bikes, foot traffic and artifact theft; the extent of this damage has not been assessed.

Sierra Madre Archaeological District
One of the most significant cultural regions within the Los Padres National Forest is the Sierra Madre Archaeological District. Listed on the National Register of Historic Places, the management prescription for the District establishes cultural resources as the preeminent concern, but the current leadership’s bias toward recreation, livestock grazing and the interests of grazing permittees has prevented this in practice.

The significant archaeological sites within the District include the well-known “Sapaki,” or House of the Sun, complex. This major Chumash site was first documented during interviews conducted in the early part of the twentieth century by famed ethnographer and linguist John Harrington. Sapaki features paintings of mythical creatures and a large and prominent sun disk figure in addition to a well-developed midden—the organic and material evidence of a village site.

The management prescription for the Sierra Madre Archaeological District requires limiting access to some of the most sensitive sites. An important part of the plan was the closure of the Painted Rock Campground, which sits just 200 feet from the principal rock art site. Forest managers have resisted this step and today the campground remains open, exacerbating the deterioration of the rock art and its setting.

Aside from recreational impacts, another major threat to cultural resources within the District is cattle grazing. Livestock can damage surface archaeological sites by disturbing or compacting the soils and removing protective vegetation. In addition, cattle destroy rock shelters and wall paintings as they rub against the surfaces. A multi-year study conducted in the 1990’s concluded that a fencing program was key to stabilizing site surfaces and protecting them from livestock damage.

Ten years ago, the cultural resources staff, with extensive consultation with Native Americans, managed to implement a program of site protection and monitoring within the district at Montgomery Potrero. Designed to protect over 20 prehistoric sites, including rock art and surface archaeological deposits, the program included signing and fencing of approximately 400 acres.

The rancher holding a Forest Service grazing permit within the Santa Barbara Potrero allotment has steadfastly opposed the fencing. In 2001, the Forest began a serious move to eliminate or reduce the size of the fenced area by reconsideration of the fence in the Forest Plan revision and in the allotment permit renewal process. To date, this effort has failed largely due to opposition from Native American groups.

Archaeologists are concerned that ongoing Forest Plan revisions and the renewal of the grazing permit will undermine the cultural resource focus of Sierra Madre Archaeological District, including...
removal of the direction to close Painted Rock Campground. The Forest Plan revision process was well underway before there was even a minimal reference to cultural resources in planning documents available to the public—a reflection of the bias against cultural resources and of the inexperience of current Forest Archaeologist, Joan Brandoff-Kerr. Many sites are presently being grossly impacted from cattle grazing on the Santa Barbara Potreros allotment outside of the fenced area and the adjacent allotments where the USFS is contracting out work or using inexperienced staff to “write-off” impacts and mitigation needs for the various cultural resource sites.

Since 1999, Forest volunteers have documented continuing damage at prehistoric sites near the Indians Ranch, near Memorial Campground, and Wagon Caves, including illegal excavation and artifact collection, camping, smoke and fire damage to rock paintings, livestock damage and defacement. These sites include prehistorically occupied rock shelters and terraces along the San Antonio River and represent an archaeological record spanning 8,000 years. The theft is likely by casual collectors, but there has been no concentrated effort to catalogue the extent of the illegal activity or to identify the culprits since the departure of the former Los Pinos District Archaeologist.

The new District Archaeologist may be beginning to pick up the slack in this area, according to volunteers. Recently a volunteer site steward documented illegal excavation at Wagon Caves. This report led to a site visit by the District Archaeologist and by the local law enforcement ranger. What has not changed is that volunteers, uncoordinated and largely unsupported by the Forest, remain the backbone of heritage site conservation in the area.

When volunteers observe looting or other damage they are trained to contact Forest authorities. They may not act as agents of law enforcement. In the case of the Arroyo Seco-Nacimiento Road area, no looting has been observed by either Forest employees or volunteers, only the evidence of looting already accomplished. However, a volunteer site steward and observed and reported damage to an important site near Memorial while it was ongoing, but the District failed to act.

A volunteer repeatedly reported ongoing defacement of a significant prehistoric site to Los Padres N.F. officials but they failed to respond.

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Recreation Residences

Recreation residences are privately-owned cabins located on leased National Forest land. They are intended to be used as summer cabins, but have become an inexpensive residential alternative, and many cabins are now occupied year-round. Renovations and repairs of these facilities can have significant impacts on nearby cultural resources, but often proceed with the approval of non-resource staff.

The management of these residences is problematic for the Forest in many ways. Many have failing septic systems, and Section 106 compliance requires an archaeological assessment prior to tank replacement. The owners of the residences exert considerable pressure on the Forest to be accommodating in these cases, which has led to some backdoor cultural resource approvals.

In 2000, the recreation residence program manager, Joan Brandoff-Kerr, now the Los Padres Forest Archaeologist, monitored construction of a septic tank replacement within the mapped boundary of an archaeological site in the Fremont Tract using inadequate and unapproved techniques. She also approved the monitoring of a water line at another recreation residence, using an individual unqualified for such independent responsibilities. These activities were taken in such a way to undermine the authority of the Forest Archaeologist at the time and were foreclosures under federal law.

Sometimes these approvals tend the homeowners in trouble with the law. One homeowner was prosecuted in May and June 2001 under the Archaeological Resources Protection Act (ARPA) for causing damage to an archaeological site during construction of house foundations. She had discussed the work with Brandoff-Kerr and District Ranger Gloria Silva and believed she had permission to proceed.

Such prosecutions are conducted selectively. A significant archaeological site was damaged more severely at Arroyo Burro by a private contractor who bulldozed a road through an archaeological site eligible for the National Register. The contractor had discussed the project beforehand with acting District Ranger Joan Brandoff-Kerr and was not prosecuted because the Brandoff-Kerr felt he did not have "intent" to damage the site. However, intent does not need to be proven in ARPA civil cases. In both cases the perpetrator had met with Brandoff-Kerr beforehand, and both perpetrators felt they had permission to proceed with the actions that caused the damage.

Winchester Gun Club

The Winchester Gun Club operates under special use permit on Forest property in a rocky canyon along the north side of the crest of the Santa Ynez Mountains. The rock art complex at the Winchester Gun Club has been determined eligible for the National Register of Historic Places. The images include representations of mythical figures as well as highly abstract representations. This complex receives a thousand visitor days each year despite it being in an area closed to the general public. It has outstanding potential as an interpretive site since it is near a paved road and easily accessible by a foot trail. Previously the site was protected by a well-trained cadre of volunteers but that volunteer presence has dwindled under the management of the current Forest Archaeologist.
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The area had been used for informal recreational shooting for decades but the current gun club, organized around target shooting of many kinds, has occupied the area at least since the late 1970's. The gun club permit was renewed in spring 2002 through a deal cut by the Forest Supervisor, the new Forest Archaeologist, and the Forest's Tribal Liaison.

Beginning in 1990, the former archaeological staff conducted research for the permit, including gathering of public comments and extensive consultation of Native Americans, who were generally opposed to renewing the permit. In addition, the former Forest Archaeologist found that the noise from the gunfire constituted an "adverse effect" on the rock art site and its use as a ceremonial site for Native American religious practice. This finding almost ensured that a full Environmental Impact Statement (EIS) would be required. Those findings were disregarded and hidden from the public, the Native Americans, and the State Historic Preservation Officer.

The consultation with Native Americans conducted for the just-completed NEPA decision was limited to a select few individuals. The prior consultations were disregarded. The Tribal Liaison documented the new "consultation" with six short handwritten lines. The SHPO concurred, the permit was renewed, and the damage and impacts to the large rock art complex are continuing. The site's potential for public education has been significantly compromised. The USFS has done nothing to develop a long-term management plan or to protect the site from the gun club or other users, or to use the potential of the area to educate an interested public or numerous school groups that request to see the site.

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IV. Stewardship Squandered

The “Partners in Preservation” Site Steward Program

In the early 1990’s the Forest successfully developed a pioneering volunteer program, designed to tap the energy, commitment and resources of volunteers to help the Forest monitor historic and prehistoric sites. Over the years, the “Partners in Preservation” program became adopted permanently by the Forest and it formed the centerpiece of the historic preservation program. At its peak, the program had more than 200 volunteers monitoring over one hundred historic and prehistoric sites. The combined volunteer labor and specialized services has been valued in excess of one million dollars and greatly benefited the preservation of cultural resources in Los Padres.

Such programs take an investment of time and money and a high level of commitment by the employees who manage them. The Partners in Preservation program was developed and nurtured by one of the archaeologists that exposed the Forest’s mismanagement of cultural resources in the mid 1990’s. In retaliation for her whistleblowing, the archaeologist was banned from the site steward program she had created and replaced by an inexperienced archaeologist.

Since then, the program has been allowed to deteriorate. Volunteers are frequently ignored, their input is disregarded, few training opportunities have been offered and attendance at those sessions has declined. Bureaucratic barriers have been erected internally that do not exist for other volunteer programs managed by the Forest.

Site stewards attend a stone tool making workshop. The Los Padres Partners In Preservation program, once a national model, has deteriorated due to management’s neglect.
V. Restoring Trust

The Los Padres National Forest holds an abundance of irreplaceable historic and prehistoric sites. At one time, the forest had in place a highly qualified and experienced professional cultural staff with a firm belief in historic preservation and the value of cultural resources. Under the guidance of these professionals, the Los Padres was widely acknowledged for the diversity and accomplishments of its cultural resource program. One by one, this professional team has been replaced in recent years by a cultural staff valued primarily for its obedience to the Forest Supervisor.

The current leadership of the Los Padres National Forest has not only de-prioritized its once grand cultural resources program, but has actively undermined the program, violated federal laws, and systematically retaliated against its expert staff.

The Forest holds one of the world’s most valuable collections of historic and prehistoric sites. The educational and scientific value of these resources is immeasurable. Due to inept leadership and petty politics, these sites may well be lost to the world forever, along with the information they hold.

Los Padres leadership continues to demonstrate a lack of affirmative stewardship for cultural resources. Inconsistent and casual compliance of the regulations by top managers continues, despite numerous warnings from the State Office of Historic Preservation and the Forest Service Regional Archaeologist. The Los Padres National Forest has had ample opportunity to preserve the convenient provisions of the Programmatic Agreement, but has shown no indication that it has an interest in fully complying with those provisions.

The authors of this white paper have made a number of recommendations to get the program back on track and restore the cultural resources program.

Suspend the Programmatic Agreement. The PA between the Los Padres National Forest and the State Office of Historic Preservation has long been used as a loophole to illegally approve harmful activities without going through the Section 106 process. The state should suspend the PA until the Forest proves its willingness to comply with the intent of the National Historic Preservation Act.

Investigate the Forest’s Cultural Resources Program. The State Office of Historic Preservation and the federal Advisory Council on Historic Preservation must investigate the mismanagement of the cultural resources program at Los Padres, and appropriately discipline leadership who have intentionally violated cultural resources laws.

Restore the Partnership in Preservation Program. This pioneering program once tapped the energy, commitment and resources of hundreds of volunteers, becoming the backbone of Los Padres’ resource program, and a model for other National Forests around the country. Since 2001 it has been all but abandoned. This program must be reinvigorated with financial support and a commitment from Forest leadership.

Institute a Non-Retaliation Policy. An already declining cultural resources program took a nosedive when its dedicated archaeological staff became systematically excluded from oversight after blowing the whistle on Forest leaders. The Forest must issue a policy of non-retaliation against its employees to prevent petty politics from hurting dedicated staff.
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Hire and Promote the Most Competent Staff. A world class resource requires top experts. Over the years, the Forest’s professional leadership has been replaced by a cultural staff valued primarily for its obedience to the Forest Supervisor. The Forest must reverse this trend by hiring and promoting the most competent archaeological staff.

Clean up the top. An independent review team should be assigned to investigate Forest Supervisor Jeanine Derby’s record of hostility to resource activists and to the Interests of historic preservation, including a thorough examination of Derby’s retaliation against outspoken cultural resources personnel.
The local planner for Los Angeles County has criticized the "consen-
tivity quality" of recent work by a consulting company preparing the envi-
ronmental documents for the 23,000-home Centennial project along the Interstate 5 Corridor.

The comments, in a May 11 letter to Agoura Hills-based Impact Sciences Inc., are a rare dressing-down of a consulting firm by James E. Hart, the county's planning director.

Although any effects on the Centen-
tial development are unclear, the critici-
ism has alarmed opponents gearing up to fight the proposal, which could eventually put 70,000 new residents just south of the Kern County line on Tejon Ranch property.

Environmentalists and slow-
growth activists say the work of consul-
tants such as Impact Sciences must be exceptionally reliable because, unlike some other local governments, Los Angeles County allows developers to directly hire the consultants who prepare state-mandated environmental surveys.

The practice drew criticism during the planning review for another massive project, Newhall Ranch in the Santa Clarita Valley, which won county approval in May 2003 and also used Impact Sciences as a paid consultant.

In January 2002, a botanist for Impact Sciences refused to cooperate with state investigators conducting a criminal inquiry into whether Newhall Ranch's developer, Newhall Land & Farming Co., had destroyed an endangered plant, the San Fernando Valley spiderflower, on the property, court records show.

The botanist said he had signed a "confidentiality agreement" with the developer that prevented him from speaking about the spiderflower. The investigation ended with a settlement between Newhall Land and the Los Angeles County district attorney, and a promise from the developer to protect the rare species.

That incident, coupled with new criticisms, have put activists on alert about Impact Sciences' work at Centen-
tial.

"We're certainly going to be watching this more closely," said Peter Gabel, conservation director of the Manomet

Center for Biological Diversity.

Hart's letter focuses less on Centen-
tial than on flaws in the biological reports for two other pending projects that Impact Sciences was working on — a water treatment facility and a small building project near Santa Clarita. Those reports contain "inaccuracies in species identification, improper location and mapping... and generally incomplete and careless work overall," Hart wrote.

"Some of these errors may seem unimportant as a result of their gener-
ally easy interpretation by those with sufficient biological knowledge, who may in some cases infer what the writer intends to express," the letter continued. "However, (biological reports) are legal documents of public record and must meet a standard of accuracy and precision that is clear and unequivocal to any reader."

The letter also said surveys on the Centennial property were conducted at "inappropriate" times, making the detection of rare plants and animals less likely than normal. County biol-

gist Joseph Denny, who had said the refer-
ence was to old work that the company had since updated with more reliable surveys.

Eric Salawier, the principal and co-
founder of the consulting firm, defended his company's work overall. He acknowledged some problems with the two reports mentioned in the letter, and said the company planned to "tighten up our procedures."

Members of the advisory group that reviews the biological reports for the county say Impact Sciences has filed other inaccurate work through the years.

"Consistently, we have found them to be the most difficult to review because of issues of everything from obfuscating jargon, to convoluted present-
ations which are very difficult to follow, to contradictions (caused by) the sort of things you get when reports are written on top of other reports, and not written very well," said Frank Hovey, a member of the county's Significant Biological Areas Technical Advisory Committee.

Daryl Hoffman, the county's supervis-
ing regional planner, said Impact Sciences could be removed from the county's list of approved biological consultants if it did not show improvement.

A spokesman for the developer, Centennial Founders LLC, did not return calls for comment this week.

Centennial is planned as a suburb of Tejon Ranch, site of a historic cattle operation. If approved, it would be the largest development in Los Angeles County history. The proposal has already raised concerns in the U.S. mil-
itary, which fears that the new homes will crowd out areas currently used for low-level flight training.

But, as in other recent development battles, flora and fauna could again take center stage.

The Tucson-based Center for Bio-
logical Diversity hopes to maintain the land as open space, noting that the region is home to such rare species as the California condor and the striped adobe lily. The ranch owners, mean-
while, have proposed creating an open-
space preserve covering more than a third of the 230,000-acre property.

An environmental review of the project began in March, according to the developer's Web site. Once it's completed, the final report will be pre-
sent to the county's Regional Plan-
ing Commission for consideration.
Comment Letter 54. Griffin, Mary J (July 13, 2009)

Response 54 A.

Thank you for your comment. The comment from Mary Griffin notes the potential for wildfires and earthquakes, and questions whether taxpayers would have financial burdens in the event of a disaster, and whether such costs could be the responsibility of the Project proponents. Although the comment does not specifically address the EIR, it is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors. Additionally, the potential for earthquakes and wildfires was evaluated in the Draft EIR in Section 4.6, GEOLOGY AND SOILS, and Section 4.7, HAZARDS AND HAZARDOUS MATERIALS, and the Project's impacts and mitigation measures in relation to fire and emergency response services and infrastructure are addressed in Section 4.13, PUBLIC SERVICES, and Section 4.16, UTILITIES AND SERVICE SYSTEMS. Upon approval, Project proponents would be obligated to comply with such mitigation measures (e.g., relating to capital improvements to emergency response staffing). The Project Specific Plans also includes fire protection and sustainability plans that include funding mechanisms and commitments for ongoing obligations that minimize the potential for earthquake or wildfire damages, such as the establishment and funding of a Geologic Hazard Abatement District.

Response 54 B.

Commentor asks whether the public will have an opportunity to review the Voluntary Emission Reduction Agreement (VERA) entered into between the Project applicant and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Please refer to the Response to Comment 24-L3, above, regarding opportunity for public comment in the VERA process.

Commentor also asks whether any monitoring devices are present at the Project site. As discussed in the Draft EIR, because the closest California Air Resources Board (CARB) and air quality management district monitoring stations are generally located more than 30 miles from the Project site, ambient air monitoring data was collected at the site from 2005 to 2007 in order to better characterize local air quality; these results are presented in the Draft EIR. Draft EIR at 4.3-12, 4.3-14 to 4.3-15. The air quality monitoring that took place at the Tejon Ranch station was the result of a voluntary effort by the Project applicant. However, as of January, 2009, the Project applicant granted the SJVAPCD a lease for operation and maintenance of the Tejon Ranch air quality monitoring station. It is the County's understanding that the SJVAPCD will continue to conduct air quality monitoring at this station.

Response 54 C.

This comment suggests that the Draft EIR does not have much information on large mammals such as bears and mountain lions and asks for the number of “permits” Tejon Ranch has related to mountain lions take.

Large mammals observed during various site surveys conducted within the Project area are discussed on pages 4.4-45 and pages 4.4-424 through 4.4-443 and include mule deer, black bear, mountain lion, bobcats, Rocky Mountain elk, and coyotes. The Draft EIR focuses on potentially significant impacts on “special status” species identified by state and federal resource agencies (see Draft EIR at 4.4-78). None of the large mammals occurring or potentially occurring within the Project area are considered to be of special status by state and federal resource agencies special status. Tejon Ranch has an active depredation permit issued by the California Department of Fish and Game. This permit allows for the take of a mountain lion only when a specific individual has been documented to kill domestic livestock on the Ranch.
Response 54 D.

Commentor states that Plague was ignored in the Draft EIR. In addition the comment includes a question regarding urban development and the spreading of plague.

Section 4.7, HAZARDS AND HAZARDOUS MATERIAL, includes a discussion of bubonic plague. Page 4.7-18 provides a background discussion regarding bubonic plague, including a 2004 report of two household cats in Pine Mountain Club (20 miles from the Project site) found to be carrying the plague. On page 4.7-51, the Draft EIR concludes that, “Although the proposed Project would increase the interaction on the site between humans and vectors, the risk of contracting disease from such vectors would still be extremely low.”

Response 54 E.

Commentor asks whether California Department of Occupational Safety and Health (Cal/OSHA) and/or SJVAPCD regulations are designed to protect against Valley Fever. In addition, commentor asks whether surveys for Valley Fever “Hot Spots” were performed.

Although surveys for Valley Fever “hot spots” were not conducted, the Draft EIR includes a thorough discussion of Valley Fever, and explains that some of the factors that may indicate a project's potential to result in Valley Fever impacts would be present at the Project site. Draft EIR at 4.3-41 to 43, 4.3-113. Accordingly, the Draft EIR includes mitigation to address potential Valley Fever impacts. Draft EIR at 4.3-116 to 4.3-117. Mitigation Measure 4.3-2 identifies the dust control practices that will be required during construction. Because Valley Fever is transmitted through soil disturbance and inhalation of dust particles, certain OSHA and SJVAPCD regulations that address soil disturbance and the use of respirators will assist in reducing the potential for construction worker exposure to Valley Fever. For example, Mitigation Measure 4.3-2 requires pre-watering the work site, application of water and dust suppressants to disturbed surfaces, stabilization of disturbed surfaces, use of respirators in accordance with Cal/OSHA regulations, and paving or treating construction roads to limit dust dispersion. Surveys Implementation of Mitigation Measure 4.3-2 will reduce the potential for exposure to Valley Fever for all soil types within the Project site to a less than significant level.

Response 54 F.

Commentor asks whether surveys to detect Lyme disease on the Project site were conducted. As discussed in Section 4.7, HAZARDS AND HAZARDOUS MATERIALS, of the Draft EIR, Lyme disease is transmitted to humans and other animals by certain ticks. The disease is caused by a spirochete, Borrelia burgdorferi, a corkscrew-shaped bacterium. Of the 48 tick species found in California, the western black-legged tick is the only tick thought to be responsible for transmitting the spirochete to people. Specific surveys to detect Lyme disease were not conducted on the Project site. According to the California Department of Public Health (CDPH), Lyme disease infected ticks have been found in 42 of the 58 California counties. According to the CDPH, of the 58 counties in California, the majority – or approximately 40 – reported at least three or more cases of Lyme disease in 2007. No county in California reported zero cases. Kern County reported 11 cases. The highest report was in Santa Clara County, 106 cases. The number of cases in Kern County are low in comparison. Given the overall population in California, the risk of contacting Lyme Disease is extremely low. The Draft EIR concludes that the risk of contracting disease from such vectors is extremely low. Draft EIR at 4.7-51.
Response 54 G.

Commentor states that impacts to Los Padres National Forest appear to be understated. Without further information as to which impact or impacts are being referred to by the commentor, a detailed response to this comment is not feasible. Impacts to the Los Padres National Forest were evaluated in Section 4.14 of the Draft EIR (Recreation), with supplemental information provided in response to comments (see, e.g., Response to Comments 24-Y2 through 24-I3).

Response 54 H.

Ms. Griffin is concerned that the impacts of light and glare be delineated and that the mitigation measures set forth will be effective. The Specific Plan, Appendix B, Master Design Guidelines, clearly distinguishes between: Planning Area 1 of the Specific Plan area, which is a public access, highway commercial mixed use area that will develop in participation with on-going County initiative efforts to limit light glare in commercial areas; and Planning Areas 2-5 which encompasses the private access areas that are subject to stringent Dark Sky guidelines set forth in Appendix B of the Tejon Mountain Village Specific and Community Plan. Due to the fact that both areas are virtually dark in their present state, the new sources of light and glare are considered to be significant and unavoidable. Please refer to Response to Comments 36-A for a further discussion of light and glare.

The Draft EIR acknowledges that the Project Design Guidelines: 1) require lighting designed and maintained to result in a dark sky; 2) address light spill and glare prevention as well as pole fixture and lamp selection criteria; 3) require lighting application to use low intensity, indirect light sources and cut off fixtures; and 4) prohibit outdoor flood lighting and up lighting fixtures and all lighting in natural open space.

There will however be new sources of light and glare that would be considered significant and unavoidable due to the fact the area in its current condition is virtually dark. The commercial area along Interstate 5 is already severely impacted by existing unshielded light sources. The Draft EIR has set forth the following mitigation measures which are tangible restrictions on the Project and can be implemented and enforced:

Mitigation Measure 4.1-4: In keeping with the rural mountainous character of Tejon Mountain Village, street lighting shall only be provided at intersections.

Mitigation Measure 4.1-5: All external lighting fixtures shall be permanently hooded or screened to prevent light and glare from spilling onto adjacent properties. This mitigation measure shall be included on the list of Design Guidelines in the Tejon Mountain Village Specific and Community Plan.

Mitigation Measure 4.1-6: The helicopter pads included in the Project shall be equipped with pilot-activated lighting that will limit the illumination of the helipads to during arrivals and departure. Lighting intensity shall be limited to the minimum levels required by the Federal Aviation Administration regulations.
intensity shall be limited to the minimum levels required by the Federal Aviation Administration regulations.

Response 54 I.

Commentor will be included on future notifications and documents regarding the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 J.

The comment is an article from an unidentified newspaper dated October 24, 2007, entitled "Southland Fires Tragic, But Not Unexpected." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 K.

The comment is an article from an unidentified newspaper dated July 19, 2004, entitled "Hundreds flee as fire burns out." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 L.

The comment is an article from The Bakersfield Californian newspaper dated July 8, 2004, entitled "Wildfires rages in Los Padres forest, Antelope Valley." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 M.

The comment is an article from The Bakersfield Californian newspaper dated July 14, 2004, entitled "Mixed results on pair of wildfires." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 N.

The comment is two articles from The Bakersfield Californian newspaper, an undated article entitled "3.6 temblor hits south of Bakersfield" and an article dated June 26, 2005 entitled "Finding fault in earthquake zone." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 O.

The comment is an article from The Bakersfield Californian newspaper dated February 15, 2004, entitled "Quake rattles area; no one hurt." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 P.

The comment is an undated editorial from The Bakersfield Californian newspaper entitled "Smog inaction gagging Kern." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 54 Q.

The comment is an article from The Bakersfield Californian newspaper dated August 21, 2002, entitled "Wild visitors too much to bear." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 R.

The comment is an article from The Bakersfield Californian newspaper dated July 24, 2007, entitled "Keeping bears at bay tricky." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 S.

The comment is an article from The Bakersfield Californian newspaper dated January 6, 2002, entitled "Workers kick up protest over valley fever concerns." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 T.

The comment is an article from The Bakersfield Californian newspaper dated June 13, 1997, entitled "Biologists seek disease clues." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 U.

The comment is an article from The Bakersfield Californian newspaper dated June 21, 2004, entitled "Kern getting hit hard by valley fever." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 V.

The comment is a white paper dated October 2002, issued by Public Employees for Environmental Responsibility, entitled "Ruined Relics: Crumbling Cultural Resource Protection in Los Padres National Forest." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 54 W.

The comment is an article from The Bakersfield Californian newspaper dated July 4, 2004, entitled "L.A. planner criticizes consulting firm's work." The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 55a

Monday, July 13, 2009 4:01 PM
From: "Hamber, Robert A CIV NAVFAC" <robert.hamber@navy.mil>
To: fw8tumshcp@fws.gov
Cc: FWSDevelopment@fws.gov, bob_hamber@yahoo.com
Subj: Tejon DEIR Public Input from Bob Hamber

My input for the Tejon DEIR

Five years ago, my wife and I were attracted to buy a lot to build a vacation/retirement home in Frazier Park due to both it's affordability, and rural charm. We have since bought two more lots and two homes as an investment. While we would stand to gain financially from TMV and Centennial, and other development in the region, we are concerned these developments, Fallingstar, and other development proposals in the future, will bring the city -- or at least 90's suburban and chain stores, traffic congestion, water rationing, light pollution -- to our mountain community and vicinity.

My concerns probably include many issues outside the scope of the DEIR, but I submit them because:
1) I don't know the environmental impact review process so I don't know which issue are in or out.
2) Even if they are outside the scope, the form part of the real life picture of not only my concerns, but of the real state of affairs. I request such issues be passed on to the appropriate parties in the FWS, Kern County, State of California that can address these long-term systemic issues.

I have not reviewed the DEIR.

Issue 1) LACK OF REGIONAL PLANNING

1a) I've heard the DEIR referred to as the TMV DEIS as if it does not include Centennial. And even if it does include Centennial, it doesn't include Frazier Park Estates/Fallingstar, or other potential development in the mountain communities area. I've very concerned the piecemeal approach to not only environmental impacts, but all aspects of development (financial, schools, public safety, etc) need to be addressed in a holistic regional planner manner.

1b) I assume the DEIR ignores:
-- the impact of secondary development. Centennial especially, and TIC too, will increase the population of the Mt Communities to the point that larger chains will come, thus attracting more residential and commercial development through out the region.
-- the cumulative impact of existing development. (eg, Gorman, Lebec, Frazier Park, Lotw, Pinion Pines, Pine Mt Club, Grapevine)
-- I understand this is probably outside the scope of the DEIR, but it's not appropriate for making the decisions appropriate for the people.

2) WATER
My biggest concern is the water supply. Water is the most vital resource for development in our arid region.

2a) Even if all the other issues can be mitigated, if this development, or future development of which this is a part of, cause water shortages to the people and businesses already here, that is unfair. I'm not sure of the legal term for it, but maybe it is something like western water law. And while I may not agree with the law as it doesn't support good wise use principles, it does have it's merits. And this is a case where...
it does. "We" were here first. Be sure there is enough water, not only for TMV, but for any projects that get to be developed because TMV was a precedent.

2b) I don't know what is behind the last minute removal of Castic Lake from the project boundary (for the HCP, the DEIR, or both, I'm not clear). Tejon Ranch Corp (TRC) is a business that is responsible to its shareholders to make money. OK. But they have lawyers and consultants that neither the public nor the government has access to. I have good grounds to be suspicious of their intent. Please use whatever legal recourse you have to apply judgment and fight where they are trying to evade the intent of the law/regs by legal technicalities.

2c) Do not let them claim there is enough water for this project by referring to "paper water" including but not limited to the State water Project.

2d) TMV and any development in the region, including existing homes and businesses and agriculture, need water in the driest of times. Insist upon a very scientific, very conservative view of water supply over the long term, spanning long droughts.

2e) While I'm a believer in water conservation, and sustainable building practices, do not accept unproven claims of reduce per capita water consumption. Again, due to the seriousness of this issue, you must be very conservative in accepting forecasts of water savings.

2f) Likewise take the most conservative interpretation and judgment of what native/on-property/in-project water supplies can provide on a sustained basis, over long droughts.

Here might actually be a unique idea:

2g) I strongly recommend that if there is any disagreement from the project proponents with the very conservative water supply and demand balance, and water table forecasts (due to disagreeing scientists or whatever), that the water supply be put to the test. Require TMC to develop all the water supply infrastructure that build-out will need, and extract the full amount of water the project will ever be permitted. If waste water reclamation is required as part of the development, simulate that too, by building the injection wells and reinjecting the appropriate flowrates. If reclaimed water is planned to be recycled, simulate the watering, or pumping into Castic Lake if that's their planned use. The net amount of water that would actually be consumed (lost) by the development, needs to be simulated as lost by pumping or trucking somewhere outside any of the aquifers and watersheds the project will rely on. (This water may be sold by TMC).

Run this live simulation for as many years to truly prove there is sufficient water supply for the project over a 100-year drought without causing any water shortage to the existing users of the same aquifers and watersheds. In other words, make the developers prove the water supply is adequate for their water use. Then of course, the conditions of use during the simulation will be binding upon the development into the future. If they believe their words they must be willing to back them up.

(And by the way, the regional approach referred to above? All proposed developments must do the same. FPE has to drill their well too and pump it at their consumption rate too. They both use the Cuddy Creek aquifer. Or TMC can buy out FME's development rights and then that well wouldn't have to be put into simulated use.)
Comment Letter 55a, Cont.

3. Traffic. Same idea. The govt (FWS, Kern Co) must take a conservative approach to what the traffic impacts will be. If the developers don't accept the govt's projections and the resulting consequences (no project, or mitigations) then the developers need to do a simulation of the govt's project traffic trips per day if the developers want to contest the impacts or mitigations. This simulation can be constructive (computers) if independently approved, and conservative assumptions used.

4. RE DEVELOPER RIGHTS
Another probable outside the official DEIR issue, but it is germane to the larger issue that is invariably considered behind the closed doors.

My views:

4a. Developers have very restricted rights, and need to comply with the laws and regulations.

4b. These developers and the investors behind them are speculators, trying to make large amounts of money by radically changing the use and character of the ranch. (Preserving California's Legacy my foot!)

4c. The developers and investors knew when they bought it, what the existing zoning, area character, rainfall, traffic capacity, anti-leapfrog growth land planning restrictions, and wildlife protection regulations.

4d. The mountain community residents, Californians, and rest of Americans do not owe the developers and investors a profit.

4e. The developers and investors took a gamble, and government approval authorities do not owe them a profit.

4f. Instead, the authorities' bosses are the majority interests of the local, regional, and national people they represent.

4g. Secret, backroom deals have no place in government review and approval process. (Ref Mt Enterprise, 19 June 09 edition)
-- I can't understand how this came to be, or how F&WWS can refuse to release all information regarding this matter. (Imagined answer - court order/condition of the agreement. Follow up query, why agree to such?)

4h. Reasonable development alternatives exist that the developers deserve to do.
-- They only deserve to develop their ranch in the character of the other mountain communities, which are all smaller than 2 square miles and 2000 population.

4i. Allow three or four small (pop 2000, 2 sq mi), scattered (greater than 10 miles apart), environmentally responsible (LEED certified building, out of any critical habitat, no incidental take) developments on the periphery of the ranch where the least condor activity is.
-- The southern tip, possibly on a fifth of the Centennial site, or maybe better on the South side of Highway 138, or best, on the eastern nub of the south tip.
-- The western tip in the flats and foothills to the east off Grapevine (but either industrial area or residential, not both).
-- The northern peninsula, either east of Arvin, or along Highway 58.
-- The eastern tip 10 miles NE of Quail Lake, (unfortunately encroaches on the remoteness of the Pacific Crest Trail).
Comment Letter 55a. Cont.

4j. In lieu of TMV which is way too big and too close to prime condor use sites, my proposal provides for:

-- four Frazier Park/Pine Mt Club size villages (2000 pop, 2 sq mi) in the vicinity of the four tips of the ranch,

-- in the TMV vicinity, allow at most a little development near IS and the south side of Castac Lake (say a motel, golf course if water supply really allows), and 20 expensive homes.

5. DEVELOPMENT IN CHARACTER

I'm out of time to edit this to appropriately apply to TMV, which is not very suburban. But if this DEIR does cover Centennial, this applies. And some bullets like street lighting, main avenues, grading, would apply to TMV.

My current vision of any development that does occur.

----- I realize this is idealist, but it has its merits.

----- I should do an economic analysis of some alternatives along this line, compared to the proposed developments, to see if the vision is plausible. Maybe developers can't make as much profit this way, but if by accepting this vision they get our support, save on litigation and other delays, a create even more desirable communities/neighborhoods, I believe they stand to make a fair profit.

----- What is it aesthetically about the proposed developments that dismays me?

They look like suburbia, with tract homes and contemporary shopping centers (undoubtedly with lots of franchise business). Some plan on drastic grading of the hillsides. Nice planned developments are nice... in and around cities, and elsewhere.

But I'd like to see new development fit in with the character of this area. What are the salient characteristics?

-- Neighborhoods of individually designed homes. Whether upscale low density like Pinon Pines, or mid range low density like most of Lebec, or upscale mid density like most of PWC, or mid range high density as Frazier Park is gentrifying. Every home doesn't have to be different, but for a neighborhood, at least 30 floor plans, with 15 different architectural styles, and 5 construction methods. A good mix of one story and two story.

-- Mixed neighborhoods. New neighborhoods don't have to have home prices from 200K to 1M, but at least an fairly even distribution of prices where the top is at least twice the bottom. If a neighborhood has some 200K, it would have some at least 400K. And not just a mix of home sizes, but a mix of lot sizes that also vary by the same 2x factor. And some small homes would be on the larger lots and some large homes on the small lots.

-- Follow the land. Don't do extensive grading. Hillsides can have smaller homes, homes on piers, or multilevel homes. Have streets whose patterns vary. Frazier Park is a good example in variety and how few homeowners have drastically cut and filled.

-- No sidewalks. No community up here has them. If you what sidewalks, live in suburbia or the city.

-- No street lamps. There are few up here away from the freeway. Save our romantic dark night sky. (Let's work to shield and reduce the existing street lamps that are here.)

-- Vacant lots. Every community up here has 10 to 25% vacant lots. So should the new ones. This a much as anything else will help break the impression of being a housing tract. Over time these can infill with individually built homes just like most of the vacant lots in the existing communities will. And just like some vacant lots have been merged with a built on lot where those owners wanted space in the current communities, so should 10% of new developments have some large and double sized lots where the home is on one side of the lot. The "small homes... on larger lots" mentioned above is part of this, but so
it larger homes on large lots, if they are well off center. And land that doesn't appear buildable doesn't count -- not the backyard downhill or uphill embankments. As one drives most streets, they need to appear not built out.

-- Fence variety. The appearance of individual homes will be destroyed if they have common style fences. Fence styles need to vary greatly, OK for upscale neighborhoods to have no chain link fences. And hopefully many homes won't have fences at all. Maybe the developments should come with no fences, and the new home owners will naturally put up a variety of fences. Maybe further measures are needed. Like no fences for a year, to give people a chance to know their neighbors with the hopes fewer will put up fences. Maybe prohibit fence companies going door to door, erecting one similar fence after another. Or any fence company putting up a fence next door to a lot they have already fenced, must use a different style.

-- Landscaping variety. Same thing. If developer provided, must have wide variety of landscaping. And not just different plants, but distinctly different styles, themes. Maybe no landscaping until the home is sold, and so the new owner chooses from at least 30 plans. Maybe one can't choose a plan that is within 3 homes/lots either way, both sides of the street.

-- Maybe one way to promote variety is instead of the current developer practice finish one tract before going on to the next, a community like Centennial would develop at least half their neighborhoods at once, building 10 homes per 100 home neighborhood a year, for 10 years. Up to 40 of 100 the first year would be OK before the first owners moved in, with the rest built over at least 5 more years. Don't want too much completion going on in the neighborhood every year, so maybe 25 more two or three years later and 25/100 more three years after that. Some clustering would be good. Variety in everything is key.

-- Another novel idea is to require swapping of development rights. Let the Centennial developers build 100 homes in Fallingstar and 100 in Gorman Post Ranch. Fallingstar's developer and Gorman Post Ranch's developer would each build 100 homes in the others' developments. This would foster variety while retaining most of the economies of scale.

6. WILDLIFE

Since I've run out of time, copying from my HCP feedback:

I care deeply for the condor population and what it represents iconically, culturally, and historically. I have been fortunate to see condors in the wild a dozen times or so in by backcountry trips.

I am not an expert in wildlife management, much less condor biology or recovery. But I have been on the periphery of the condor recovery program since the beginning. I've attended a few public information meetings and the AC-9 release, I've socialized with, and heard inside news and issues of many team members. I know that the best expert on condor recovery and management, the one with a proven track record of dominate team influence and making the tough decisions in the 80's and 90's, that once approved by you, CF&G, et al., were ultimate successful in producing the captive and 4 wild populations we have today, is Noel Snyder. Pete Bloom is a nice guy, has been in the field loads performing key, valuable services, has probably read the important studies, and I assume has a relevant degree, but he doesn't have the...
Comment Letter 55a, Cont.

...strong scientific research and background and application experience Noel has demonstrated. Noel, together with seven other very experienced condor conservationists (including my mother), have sent in their remarks.

So my recommendation is simply:

Because of their credentials, experience, and Noel's proven leadership, their collective reasoning, judgment, conclusions and recommendations, where different from the HCP, should be trusted and believed much more than those in the HCP.

I have their comments here in front of me, which I could read, and reword, and hope that you then tally, as if the most tally marks win. (No, I trust you don't do that. You should, as civil servants (like me), fulfill the responsibilities of your position, free from bureaucratic, private or political pressure. That can be hard. But just do it.) I haven't read even the HCP summary. But I've seen the maps.** I can't address the details. Instead I'll summarize my rational for why development should be less than Tejon developers plan.

** How can they be allowed to produce maps with so few landmarks -- creeks, peaks, roads?

1. The simple fact that the condor range and foraging activity during the last decade of the original wild population (1980's) centered on Tejon indicates this is prime habitat for them.
2. Tejon also sits in the middle, and links, the two large wild land regions that comprise the rest of their final wild range (southern Los Padres, and southern Sierras).
3. Condor's need wilderness, or poison-free remote rangeland operations, and remote lead-free hunting areas, and can tolerate only limited low density development.
4. Some kinds of recreation pose a serious threat to individual condors -- e.g. lead gut piles or carcasses, accumulations of micro-trash.
5. History shows even modest human development drives off condor groups/families for feeding, roosting and nesting.
6. The three areas of proposed Tejon Ranch development form a rather solid band of human development and activity.
   -- Much too large.
   -- Too close together.
   -- While the industry area and Centennial locations are away from most condor activity (ref Cogan, 2009), having TMV in between, and adding to the Lebec footprint, is too much too close together.
7. MISC

7A) Be skeptical of mitigations:
   -- do not allow plausible possibilities to mitigate anticipated adverse effects.
   -- Only mitigations proven to work, in comparable conditions are worthy.

Bob Hamber
695 Camino Campana
Santa Barbara CA 93111
bob_hamber@yahoo.com
(Also a property owner in Frazier Park and Lebec)
Comment Letter 55a. Robert Hamber (July 13, 2009)

Response 55a A.

Thank you for your comment. Bob Hamber states that five years ago, commentor and his wife decided to buy a lot in Frazier Park to build a vacation/retirement home due to the area's affordability and rural charm. Commentor also notes that he and his wife have subsequently bought two homes as an investment. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a B.

Commentor states that, while he and his wife would stand to gain financially from the proposed Project, as well as the Centennial project and other regional development, including Frazier Park Estates (referred to as Fallingstar by commentor), they are concerned that these developments would change the character of the mountain community and the vicinity to an urban or suburban feel. Commentor notes concerns regarding chain stores, traffic congestion, water rationing, and light pollution. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Please refer to the Tejon Mountain Village Specific and Community Plan and Special Planning District (Appendix B-1 of the Draft EIR). The Project includes a number of design elements that are intended to preserve the rural, low-density nature of the mountain community. The Project includes a village mixed-use element, which will include commercial establishments. However, the Project provides for only a total of 160,000 square feet of commercial space (which includes office square footage) and is not anticipated to be dominated by chain stores. Please see Draft EIR Section 4.15, TRANSPORTATION AND TRAFFIC, for a discussion of the Project's potential traffic impacts; Section 4.8, HYDROLOGY AND WATER QUALITY for a discussion of the Project's potential water supply impacts; and Section 4.1, AESTHETICS/ LIGHT AND GLARE for a discussion of the Project's potential light and glare impacts.

Response 55a C.

Commentor raises several concerns that he recognizes may be outside the scope of the Draft EIR. Commentor states he is not familiar with the environmental review process and is not sure which issues are relevant. Commentor further states that, even if issues are outside the scope of the environmental review process, they reflect real-life concerns and commentor requests that issues raised be provided to the appropriate agencies, including the U.S. Fish and Wildlife Service, the State of California, and Kern County. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a D.

Commentor notes that he has not reviewed the Draft EIR. The comment is noted for the record.

Response 55a E.

Commentor questions why the Project EIR does not include Centennial or Frazier Park Estates/Fallingstar, or other potential development in the area.
In response, Kern County, as lead agency disagrees that the DEIR did not include the Centennial or Frazier Park Estates/Fallingstar proposed development. These proposed projects along with other potential projects were extensively reviewed. The Draft EIR considered the cumulative impacts of the Project in relation to other planned and foreseeable projects, including Centennial and Frazier Park Estates ("Fallingstar" was referred to as Frazier Park Estates in the Draft EIR). The cumulative impacts methodology was described in Section 3.7, CUMULATIVE EFFECTS OVERVIEW, and cumulative impacts were discussed as applicable in each section of Chapter 4.

Response 55a F.

Commentor states that the EIR ignores the impact of secondary development, including Centennial and the Tejon Industrial Complex (TIC), and also ignores cumulative impacts of existing development within several identified communities in the Mountain Communities area. Commentor questions whether this analysis is required in an EIR. The Draft EIR analyzes potential "growth-inducing" impacts of the Project in the Kern County region and concludes that the construction of new housing will induce substantial population growth, which is considered a significant and unavoidable impact. In addition, as noted in Response to Comment 55a-E, cumulative impacts from future planned development including Centennial and the remaining buildout of the permitted TIC project are considered as part of the cumulative impacts analyses in the Draft EIR. Impacts from existing communities are included in the "Setting" portions of the topical Sections of Chapter 4 of the Draft EIR, as these existing communities are responsible for existing environmental conditions – such as localized traffic – against which Project impacts are measured and mitigated.

Response 55a G.

Commentor states that his primary concern is water supply, and believes that water is the most vital resource in the region. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to Section 4.16, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR for a detailed description regarding the Project's potential impacts on water supply.

Response 55a H.

This comment suggests that the Project not affect local water supplies and that the Project not set a precedent for other development in the area.

The Project EIR notice of preparation (NOP) was published in November 2005. Since that time, members of the Mountain Communities near the Project expressed concerns about the Project’s potential use of local groundwater. The Mountain Communities near the project rely on groundwater and have no access to the State Water Project (SWP), Kern County water banks, or other water supplies available to the Tejon Castac Water District (TCWD), the California water district that will serve the Project, and the Project. To address these concerns, the Project water supply assessment (WSA) and the Draft EIR do not rely on groundwater. The WSA and Draft EIR analyze TCWD’s ability to meet all District demand, including the Project as required by Section 10910 of the California Water Code and the California Environmental Quality Act (CEQA) utilizing three (3) water supplies: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) banked water recovered from the Kern Water Bank (KWB) and the Pioneer project; and (3) SWP deliveries, assuming average, dry and multiple dry year SWP deliveries occur at the lowest levels identified in the current SWP reliability report published by the California Department of Water Resources (DWR) (see Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11 though 14). The WSA and Draft EIR show that TCWD will be able to meet all of the
District’s needs, including Project demands, utilizing the three water supplies discussed above without using or relying on any groundwater, including local aquifers that serve the Mountain Communities. The Project will not affect local water supplies, will not affect Mountain Community use of those supplies, and will not establish an adverse precedent regarding approval of other projects that may impact local groundwater or other local water supplies.

**Response 55a I.**

This comment concerns the relationship of Castac Lake to the Project.

Please see Global Response 7.5.1, Castac Lake.

**Response 55a J.**

Commentor expresses his suspicion that the removal of Castac Lake from the Project boundary is related to the Project applicant's use of lawyers and consultants that are not accessible to the public or the government, and asks the County to use its own legal resources to apply its judgment in interpreting the intent of laws and regulations. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 55a K.**

This comment concerns the potential use of “paper water” in the Project’s water supply analysis.

The WSA and Draft EIR do not rely on speculative or “paper water,” which generally refers to the assumption that 100% of a recipient’s SWP allocation will be available each year. In contrast, the WSA and Draft EIR assume that all SWP deliveries in normal, dry and multiple dry years will occur at the lowest, most conservative levels identified in the current SWP reliability report, which includes assessments of the potential impacts of climate change and Delta fish regulations on future SWP delivery levels. The WSA and Draft EIR use the lowest and most conservative SWP delivery levels identified in the SWP reliability report. Average year deliveries, for example, are assumed to range from 63% to 68% of TCWD’s full SWP contract levels, single dry year deliveries are assumed to range from 6% to 7% of contract levels, and multiple dry year deliveries are assumed to range from 7% to 56% of contract levels (see Draft EIR Tables 4.16-4 through 4.16-7 and WSA Tables 11-14). The WSA and Draft EIR also document TCWD’s existing level of water bank storage and analyze future water bank recharge rates under conservative water supply assumptions. Finally, the analysis includes recycled water that will be produced by a dedicated wastewater treatment plant for Project use. None of these supply sources represent “paper water” or other speculative supplies within the meaning of the California Water Code, CEQA, or pertinent case law (see, e.g., Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412 (modified April 18, 2007)).

**Response 55a L.**

This comment suggests that a “very scientific, very conservative view” including “long droughts” be used to assess the Project’s water supply.

The Project WSA was prepared in accordance with California Water Code Section 10910(c)(3), which states, in relevant part, that “the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand.
associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.” TCWD is the applicable public water system under the Water Code, and the Project WSA was approved by the District in July, 2008. The WSA was provided to Kern County for use in the Draft EIR in accordance with the Water Code. The WSA and Draft EIR utilize extremely conservative assumptions that incorporate long-term hydrologic data spanning more than eight (8) decades, including historical rain, snow and other water system data over an 82-year period of 1922-2003. This data was used in the SWP reliability report and is used by the DWR in a quantitative statistical model, the most recent of which is called the “CalSim II” model. To incorporate the CalSim II model into the Project WSA and Draft EIR, TCWD requested and received technical support from the Kern County Water Agency (KCWA), which conformed the model to reflect Kern County conditions over the 82-year period. KCWA is the SWP water contractor for Kern County. TCWD is a member unit of KCWA and receives SWP supplies from the Agency under contracts that generally mirror the terms of KCWA’s contracts with the SWP. The KCWA model was used to project TCWD water supplies over the 82-year period assuming, among other factors: (a) only 24,000 acre-feet of storage at the start of the analysis period (compared with TCWD’s current water banking levels of 30,000 acre-feet); (b) TCWD would be required to meet full build-out levels of Project and other District demands from the start of the analysis period even though full Project and other District demands will not be generated for several years; (c) recycled water use as indicated in the WSA; (d) water bank recharge will occur only from SWP deliveries in wetter years; and (e) SWP deliveries would occur at the lowest levels identified in the SWP reliability report and that no supplemental water or groundwater would be available to augment District supplies. Despite these conservative assumptions, the analysis shows that TCWD is able to meet District demands, including the Project, in each year of the analysis period required by the Water Code and CEQA notwithstanding severe dry periods and droughts. Under the baseline analysis, which assumes 24,000 acre-feet in TCWD’s water banks at the start of the analysis, the District’s water banking reserves never fall below approximately 16,722 acre-feet despite the occurrence of severe multi-year droughts (see Draft EIR Table 4.16-6 and WSA Table 13). To provide an additional level of assurance regarding the District’s supplies, the model was also run assuming that: (a) TCWD’s banking supplies at the start of the analysis period would be depleted to the lowest level identified in the baseline analysis (16,722 acre-feet); and (b) the worst drought period of record in Kern County, 1977-1981, would occur at the start of the analysis. Even under these assumptions, the analysis shows that TCWD is able to meet Project and other District demands over the 82-year analysis period, including a minimum banked water supply of approximately 9,667 acre-feet (see WSA Table 14 and Draft EIR Table 4.16-7). This analysis demonstrates that TCWD’s mix of recycled, water banking and SWP supplies (at the lowest delivery levels identified in the SWP reliability report) are sufficient to recharge water banks and meet all District demands during normal, dry and multiple year dry periods. As a result, the WSA and Draft EIR incorporate scientific, highly conservative and long-term considerations that include the most severe drought periods on record in Kern County.

Response 55a M.

This comment concerns the use of water conservation and per capita water use projections in the water supply analysis.

Please refer to the Response to Comments 24-Y2, and 25-Q10 et seq.

Response 55a N.

This comment suggests that a conservative assessment should be made regarding the sustainability of “native/on-property/in-project” water supplies.
As discussed in Response to Comment 55a-H, the Project will not use local or on-site groundwater. As discussed in WSA Section 5.5.1, no onsite stream or other surface waters will be diverted to meet Project water demands. As a result, an assessment of the sustainability of local and onsite groundwater and surface water is not required by or relevant to the Draft EIR.

Response 55a O.

Comments O through T generally suggest that the Project must “prove” that it will have a sufficient water supply by (a) the up-front installation of all “water supply infrastructure” required at full-buildout and the actual “extraction” of all water “permitted;” and (b) simulating the water “consumed (lost)” by development and other activities such as pumping and trucking water to other locations. The construction and operation of the Project’s full-buildout water supply system to provide a pre-development “test” is economically and legally infeasible and is not required by either the Water Code or CEQA. As discussed in Response to Comment 55a-L, the WSA and Draft EIR provide a highly conservative analysis of Project water supplies using an 82-year hydrologic model prepared by KCWA. The analysis shows that TCWD will have sufficient supplies to meet District demands, including the Project, under normal, dry and multiple dry year conditions in accordance with all applicable Water Code and CEQA requirements. As a result, no additional simulation of Project water supplies is required by or relevant to the Draft EIR. To the extent comments O through T suggest that the Project could affect local groundwater, no groundwater, including local supplies, will be used by the Project (see Response to Comment 55a-H). A physical “test” of Project “extraction” is not required by or relevant to the Draft EIR.

Response 55a P.

This comment suggests that the all water supply infrastructure must be built and all “permitted” water be extracted as part of the water supply analysis.

As discussed in Response to Comment 55a-O, the construction and operation of the Project’s full-buildout water supply system to provide a pre-development “test” is economically and legally infeasible and not required by either the Water Code or CEQA. To the extent the comment suggests that the Project could affect local groundwater, no groundwater, including local supplies, will be used by the Project (see Response to Comment 55a-H). A physical “test” of Project “extraction” is not required by or relevant to the Draft EIR.

Response 55a Q.

This comment suggests that “wastewater reclamation” be simulated by building and operating all wastewater facilities, including “injection wells,” and by measuring wastewater “flowrates” to Castac Lake.

As discussed in Response to Comment 55a-O, the construction and operation of the Project’s full-buildout water supply system, including recycled water facilities, to provide a pre-development “test” or “simulation” of Project supplies is economically and legally infeasible and not required by either the Water Code or CEQA. As discussed in the Draft EIR at 4.8-59 and in Section 4.16, at full buildout the Project would utilize approximately 800 acre-feet per year of tertiary treated recycled water to irrigate the proposed golf course facilities and other landscaped areas. The Project will not build or operate any injection wells and will not inject recycled water into groundwater. No recycled water or wastewater will be directly discharged by the Project into Castac Lake. Draft EIR Section 4.8 consider potential Project stormwater impacts to surface waters, and all such impacts are mitigated to less than significant levels.
a result, the analysis of injection wells, recycled water injection into groundwater, and recycled water or wastewater discharges into the lake are not required by or relevant to the Draft EIR.

Response 55a R.

This comment suggests that water “lost” by “development” and/or by “pumping or trucking somewhere outside any of the aquifers” must be “simulated.”

As discussed in Response to Comment 55a-L, the availability of water supplies for Project use is analyzed in the WSA and Draft EIR using an 82-year model provided by the KCWA, the lowest levels of supply identified in the SWP reliability report, and by incorporating several additional conservative assumptions into the normal, dry and multiple dry year analyses required by CEQA and the Water Code. No additional “simulation” of Project water supplies is required by or relevant to the Draft EIR. As discussed in Response to Comment 55a-H, the Project will not use groundwater to meet water demands. As a result, the Project will not pump or truck water from or convey any such water to locations outside of any aquifer. The consideration of groundwater pumping, trucking or other conveyance as suggested in the comment is not required by or relevant to the Draft EIR.

Response 55a S.

This comment suggests that “TMC” may sell groundwater to users located in other locations.

It is assumed that “TMC” refers to the proposed Project. As discussed in Response to Comment 55a-R, the Project will not use groundwater to meet water demands. As a result, the Project will not pump, truck or otherwise sell water from or convey any such water to locations outside of any aquifer. The consideration of groundwater pumping, trucking, sale or other conveyance is not required by or relevant to the Draft EIR.

Response 55a T.

This comment suggests that the “live simulation” referenced in comments 55a-O to S should be run “for as many years” to “truly prove” water supplies are sufficient “over a 100-year drought” and won’t harm existing users.

As discussed in Response to Comment 55a-O, the construction and operation of the Project’s full-buildout water supply system, including recycled water facilities, to provide a pre-development “simulation” or “live test” is economically and legally infeasible and not required by either the Water Code or CEQA. As discussed in Response to Comment 55a-L, the WSA and Draft EIR use the long-term hydrologic data provided by the KCWA and incorporated in the SWP reliability report, and include other highly conservative assumptions, to analyze Project water supplies as required by the Water Code and CEQA. This analysis shows that TCWD will have sufficient supplies to meet District demands, including the Project, under normal, dry and multiple dry year conditions in accordance with applicable Water Code and CEQA requirements. As discussed in Response to Comment 55a-N, the Project will not use groundwater or divert any onsite surface waters to meet Project water demand. The Project will not impact groundwater or surface water supplies, including such supplies in the Mountain Community area. As discussed in Response to Comment 55a-L, the 82-year hydrologic data used in the WSA and Draft EIR includes the most severe droughts on record in Kern County, the longest of which occurred during 1977-1982. The Draft EIR and WSA account for and consider the effects of a similarly severe drought and show that TCWD will have sufficient supplies to meet District demands, including the Project, assuming the most severe drought occurs at the time that the District’s banking reserves are depleted to the lowest level identified in the baseline 82-year analysis, or approximately 16,722 acre-feet at the start.
of the drought (see Draft EIR Table 4.16-7 and WSA Table 14). As a result, the Draft EIR sufficiently considers and accounts for potential Project supply disruptions that could be associated with the recurrence of the most severe drought on record in Kern County. The consideration of a 100-year drought is not required by or relevant to the analysis of Project water supplies in the Draft EIR.

Response 55a U.

This comment suggests that “FPE” also be required to “drill their well” and “prove” water supplies in the same manner as indicated in comments 55a-O through 55a-T or that the Project “can buy out” FPE’s “development rights” so that the “well wouldn’t have to be put to simulated use.”

It is assumed that “FPE” refers to Frazier Park Estates, a proposed development located to the west of the existing Flying J facilities in Lebec. As discussed in Response to Comment 55a-H, the Project will not use groundwater to meet Project water demand and will not impact local groundwater supplies. As a result, the Project’s water supplies are separate and distinct from any groundwater resources that the comment suggests would serve FPE. Concurrent “well tests” or development rights exchanges related to groundwater use involving FPE and the Project are not required by or relevant to the analysis of Project water supplies in the Draft EIR.

Response 55a V.

Commentor notes that the County should take a conservative approach in evaluating traffic impacts, and if the developer does not accept the County's mitigation measures then the developer should do an alternate traffic study for independent review by the County. The County has taken a conservative approach in evaluating traffic impacts, including for example by assuming that this resort community would be occupied full-time by residents who commute to work daily. The developer has not contested the County's mitigation measures. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a W.

Commentor states that the issue of developer rights may be outside the scope of the environmental review process, but is concerned that it gets addressed behind closed doors. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Specific issues raised by commentor with respect to developer rights are addressed below.

Response 55a X.

Commentor states that developers have limited rights and must comply with laws and regulations. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. The Project applicant will comply with all relevant laws and regulations.

Response 55a Y.

Commentor suggests that the Project developer and its investors are speculators trying to make large amounts of money at the expense of the character of Tejon Ranch. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Response 55a Z.

Commentor states that the Project developer and its investors knew the restrictions on the Project site when they purchased the property, including with respect to zoning, the area's character, rainfall levels, traffic capacity, anti-leapfrog growth land use restrictions, and wildlife protection regulations. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a A2.

Commentor states that the mountain community residents, Californians, nor the American public at large owe the Project developer or investors a profit. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a B2.

Commentor notes that the Project developer and investors took a risk by investing in the Project site, and government approval authorities do not owe them a profit. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a C2.

Commentor states that the government is accountable to the people it represents. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a D2.

Commentor notes that secret backroom deals have no place in the governmental approval process, and questions how the USFWS can decline to release information. Commentor further suggests that if this information cannot be released by court order, why not agree to such an order. This comment does not refer to the Project or EIR, and accordingly is beyond the scope of this Response document. For informational purposes, consistent with CEQA's disclosure purposes, it appears that commentor is referring to a longstanding Protective Order that maintains the confidentiality of settlement negotiations between Tejon Ranch and the FWS in a lawsuit over whether a "10(j) Rule" should be issued for the release of captive-reared California condors in and around Tejon Ranch. A "10(j) Rule" was issued in Arizona as part of the California condor release program in that state, and has been successfully implemented for more than 10 years, protecting both this bird population and landowner rights. (Arizona now has more than 70 California condors, as discussed in greater detail in Global Response 7.5.3, California Condors). After extensive negotiations, a provisional settlement was reached that required Tejon Ranch and FWS to work together to develop an acceptable Habitat Conservation Plan (HCP). Like a "10(j) Rule," an HCP is another form of authorization allowed under Section 10 of the Endangered Species Act. Work on that HCP process has been underway for a decade, and is the subject of the Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP). As part of the underlying court proceeding, a Protective Order was issued by the court – and mutually agreed to by FWS and Tejon Ranch – to facilitate settlement of the pending lawsuit. Confidentiality is often appropriate in settlement negotiations. Additionally, Tejon Ranch has also recently initiated efforts to rescind the Protective Order.
Response 55a E2.

Commentor suggests that a reasonable alternative to the proposed Project exists, which would involve development of less than two square miles of Tejon Ranch and a population of approximately 2,000 people. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to Chapter 6, ALTERNATIVES, of the Draft EIR for a thorough discussion of alternatives to the Project analyzed in the Draft EIR.

Response 55a F2.

Commentor recommends an alternative land use pattern for the entire Tejon Ranch. The comment suggests that the plan should contain three to five small, environmentally sensitive development areas that are outside of critical habitat, around the periphery of the ranch.

The Draft EIR addresses the Tejon Mountain Village Project, which is located on the western edge of Tejon Ranch. The Project is on the periphery of the Ranch, but exceeds the definition of small (2,000 population) as suggested by the commentor. The Tejon Mountain Village Specific Plan includes a Sustainability Plan which is provided as Appendix F of the Specific Plan. The plan includes chapters on Climate Protection, Water Conservation, Biodiversity and Economic and Community Development. In addition issues associated with environmental sensitivity are addressed by the Biological Resources Technical Report (Appendix E-1 of the Draft EIR) and the Oak Resources Management Plan Appendix G of the Biological Resources Technical Report. With respect to energy conservation the Draft EIR includes a series of mitigation measures addressing environmentally friendly building standards such as Mitigation Measure 4.3-6 requiring energy conservation beyond the requirements of Title 24, prohibition on wood burning fireplaces, building orientation, and heating and cooling optimization.

With respect to land use patterns on the Tejon Ranch, as noted in Section 3.5.3, TEJON RANCH CONSERVATION AND LAND USE AGREEMENT, of the Draft EIR on June 17, 2008, Tejon Ranch Company entered into a Conservation and Land Use Agreement with Audubon California, the Endangered Habitats League, Natural Resources Defense Council, Planning and Conservation League, Sierra Club and the newly formed non profit Tejon Ranch Conservancy. The Ranchwide Agreement provides for the permanent protection through the dedication or sale of conservation easements over approximately 90% of the 270,000 acre Ranch. The remaining areas, all of which are at the fringe of Tejon Ranch, comprise approximately 10% of the Ranch, would remain available for development if and to the extent that applicable environmental review and permitting processes were completed. The Ranchwide Agreement embodies the general land use pattern noted in the comment, with fewer and larger peripheral development areas. Planning alternatives for the whole of Tejon Ranch is beyond the scope of the EIR, but as described in Draft EIR Chapter 6, ALTERNATIVES, there were numerous Alternatives considered for the Project including potential development of a mountain resort community elsewhere on Tejon Ranch.

Tejon Ranch does not contain any condor nesting or breeding sites. Approximately 37,099 acres of the ranch encompassing the Tunis-Winters ridge has historically been used by condors for roosting purposes. This area has also been identified as the “Condor Study Area” (CSA) by the USFWS. As noted previously the Ranchwide Agreement preserves 90% of the ranch, including: (1) all of the condor roosting sites within the ranch; (2) all of the 37,099-acre CSA in the Tunis-Winters ridge area; (3) a contiguous block of condor foraging and roosting habitat that extends from the western ranch boundary along the I-5 corridor eastward throughout the upland portions of the ranch; and (4) the most important condor foraging habitat and the east–west flight corridor between Grapevine Peak and Tunis–Geghus Ridge located within the Project area. In addition, the Project, the Ranchwide Agreement and the
proposed TUMSHCP currently under review by the USFWS for approximately 141,886 acres of Tejon Ranch, including the proposed Project area, would result in the implementation of one of the most enforceable and extensive lead ammunition bans within the condor’s natural range and will generate significant funding for GPS monitoring technology and other condor management programs.

**Response 55a G2.**

Commentor suggests an alternative land use plan consisting of four Frazier Park/Pine Mountain Club size villages in the vicinity of the four tips of the ranch and a little development on the south side of Castac Lake.

The overall density for the Tejon Mountain Village Project is one dwelling unit per seven acres. Approximately 80% of the Project site or 21,335 acres will be preserved as open space. The land use type proposed (low density resort community) and density are compatible with existing mountain communities.

**Response 55a H2.**

The individual’s comment raises issues associated with the proposed Centennial project in Los Angeles County. The commentor states that if this Draft EIR does not cover Centennial then these issues do not apply.

The Draft EIR addresses the Tejon Mountain Village Project in Kern County. The Centennial project is located in Los Angeles County and the environmental analysis for the Centennial project would be the responsibility of a different lead agency (Los Angeles County). It is our understanding that an NOP to prepare an environmental impact report as been distributed by Los Angeles County. The commentor may desire to contact Los Angeles County for additional information regarding the Centennial project.

Commentor lists different characteristics of modern suburbia that he believes should be avoided in the Project, as well as the Centennial development. With respect to the Project, commentor states his belief that street lighting, main avenues, and grading should be avoided. This comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Specific concerns raised by commentor are discussed below. Comments on the Centennial development are beyond the scope of these Final EIR responses to the Draft EIR.

**Response 55a I2.**

This comment is an introduction to subsequent more specific comments about an alternate vision for the Project, and does not specify a particular issue with respect to the adequacy or content of the EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 55a J2.**

The commentor asserts that the "proposed developments" including the Project and Centennial "look like suburbia" with tract homes, contemporary shopping centers and drastic grading. To the extent this comment discusses the appearance and features of Centennial or other projects in the area, these are not part of the Project and do not require analysis in the Draft EIR. See Public Resources Code §§ 21002.1(a); 21100(b)(3); Guidelines § 15126.2(a). To the extent this comment discusses the appearance and features of the Project, the Planning Principles and Land Use Policies of the Tejon Mountain Village Specific Plan are designed to ensure that the Project does not look like typical "suburbia" but rather
involves innovative design and planning and is sensitive to the existing rural context of the region and the natural topography of the Project site. Tejon Mountain Village Specific Plan Chapter 1, INTRODUCTION and Chapter 2 LAND USE, OPEN SPACE AND CONSERVATION. See e.g. Planning Principles 1 (preserve I-5 corridor slopes) and 5 (preserve key features of the natural environment); Land Use Policies 3 (provide a variety of residential product types/options in order to allow a range of housing opportunities), 4 (allow mixed-use developments by allowing all types of residential units within commercial, resort and/or recreational use Zone Classifications) and 12 (allow for a range of residential uses within areas designated for higher density). The Land Use, Open Space and Conservation Implementation Measures identify how the Tejon Mountain Village Special Planning District Plan and the Site Plan Review Process of the Tejon Mountain Village Special Planning District Ordinance will effectuate these design and planning innovations. See e.g. Measure C (allowing mixed use development combining residential, commercial and resort and/or recreational uses in designated locations as well as different housing types and styles), E (providing for innovative residential design through the incorporation of flexible design and siting standards, promote clustering as a means of maximizing the preservation of open space), F (allowing commercial development in the Village Mixed Use, Mountain Residential, or Resort Zone Classification areas), J (ensuring that the design and siting of development is integrated into the natural setting with as little disruption of the natural character of the Specific Plan Area as possible), M (addressing community image and creating an aesthetic style that is consistent with the ranching and natural setting of the Project that will allow development to blend into the environment and reduce visual impacts), and S (including specific design criteria to guide development improvements in order to preserve and protect the rural ambiance of the region). Id. This review criteria is designed to ensure that the individual development areas of the Project which are processed over time are designed to work sensitively with both the existing rural context of the region and the natural topography of the site.

Response 55a K2.

The commentor requests that the Project fit in with the character of the area and asks what are the Project's "salient characteristics." Commentor is referred to Response 55a-J2, regarding the Specific Plan Principles, Land Use, Open Space and Conservation Policies, and related Implementation Measures that are designed to ensure that the Project will be innovative from a design and planning perspective and that the Project will fit in with its rural setting.

Response 55a L2.

The commentor suggests that the residential components of the Project should contain a variety of densities, floor plans, architectural styles and construction methods. The design of individual homes within the Project will be subject to a Master Design Review Board which will utilize the Tejon Mountain Village Specific Plan Land Use, Open Space and Conservation Implementation Measures to ensure a variety of housing types, styles, and densities that remain consistent with the rural character of the surrounding area. See Response 55a-J2, discussing Land Use Policies 3, 4, & 12 and Implementation Measures C, E, F, J, M, and S.

Response 55a M2.

The commentor suggests that the residential components of the Project should contain a variety of lot sizes, home size to lot size ratios, and price points. To the extent this comment speaks to planning and design considerations and requests a diversity of residential housing products, see Responses 55a-L2 and 55a-J2. To a certain extent, this diversity of residential housing products will allow for a range of sale prices in addition to ensuring that the community fabric will be varied and unique. See Specific Plan,
Section 2.5, Land Use, Open Space and Conservation Implementation Measure A (incorporate custom lots, attached products, clustered products, fractional and condominium opportunities to broaden residential pricing and ownership opportunities). However, because CEQA is designed for environmental protection, analysis of impacts should be focused upon physical impacts to the environment, not analysis of economic issues or impacts. Public Resources Code § 21000; CEQA Guidelines § 15131(a).

**Response 55a N2.**

The commentor suggests that the Project "follow the land" by avoiding extensive grading, providing Frazier Park as an example of a project in which few homeowners have "drastically cut and filled". Commentor also recommends that street patterns vary.

Innovative, topographically-sensitive grading guidelines for the Project are set forth in the Tejon Mountain Village Master Design Guidelines Section B(4). Among other restrictions, these guidelines state that "all grading improvements must avoid a 'man-made' appearance and blend into the natural setting so as to appear as extensions of existing natural landforms" and that the extent of grading required should be minimized. Extensive and specific grading standards are also set forth in the Tejon Mountain Village Special Planning (SP) District Plan Development Standards, Sheet 4, that are designed to reduce grading where possible.

Pursuant to the Tejon Mountain Village Specific Plan, Section 2.3.3, "[t]he circulation system within the Specific Plan Area largely follows existing ranch roads that follow the natural terrain of the property. This approach minimizes resource impacts by using existing disturbed areas to the extent feasible and reducing additional impacts that may be associated with constructing new access or roadway facilities." See also Tejon Mountain Village Master Design Guidelines Section B(6) regarding circulation (stating that where terrain allows, private local and private collector roads should accommodate existing topography, and private roads shall be "fit" to the site avoiding, where possible, the use of extensive areas of cut and fill).

In addition, and as discussed in Response 55a-J2, the Specific Plan's Planning Principles and Land Use Policy Implementation Measures are designed to ensure that grading is avoided to the extent possible and that the Project area's natural features and topography are preserved. See e.g. Planning Principles 1 (preserve I-5 corridor slopes) and 5 (preserve key features of the natural environment; and Implementation Measures E (providing for innovative residential design through the incorporation of flexible design and siting standards, promote clustering as a means of maximizing the preservation of open space), J (ensuring that the design and siting of development is integrated into the natural setting with as little disruption of the natural character of the Specific Plan Area as possible), M (addressing community image and creating an aesthetic style that is consistent with the ranching and natural setting of the Project that will allow development to blend into the environment and reduce visual impacts), and S (including specific design criteria to guide development improvements in order to preserve and protect the rural ambiance of the region).

**Response 55a O2.**

Commentor suggests that the Project should not include sidewalks. Sidewalks are not included on the Private Road Standards of the Tejon Mountain Village Special Planning (SP) District Plan, Sheet 6, indicating that the majority of the Project will not include sidewalks. The public access roads of the Project's Village Mixed Use area are subject to Kern County roadway standards and may have limited sidewalks where applicable, however the rural planning design concept of Project is to eliminate sidewalks in residential neighborhoods and encourage pedestrian use of trails.
Response 55a P2.

Commentor suggests that the Project should not include streetlamps in order to preserve dark skies. Mitigation Measure 4.1-4 reads, "In keeping with the rural, mountainous character of Tejon Mountain Village, street lighting shall be provided only at intersections." In addition, Mitigation Measure 4.1-5 requires that all external lighting fixtures be permanently hooded or screened to prevent light and glare from spilling onto adjacent properties. Finally, Master Design Guidelines, Section F, sets forth innovative and restrictive “Dark Sky” guidelines. Accordingly, the private roadways of the Project are designed to be consistent with the dark sky character of the regional rural community.

To the extent that commentor suggests shielding existing street lighting in the area, CEQA requires an EIR to minimize those significant effects on the environment from the proposed project, evaluated against the baseline of the existing physical conditions in the affected area, not to mitigate existing impacts. Public Resources Code §§ 21002.1(a); 21100(b)(3); Guidelines § 15126.2(a).

Response 55a Q2.

Commentor suggests that the Project maintain some "vacant lots" that can serve as visual variation within residential development, to be developed over time, merged with other lots to create lot size differentiation, or maintained as open space. The Project will fulfill this concept as set forth in the Tejon Mountain Village Specific Plan, Section 2.3.3, "Defining the Development Envelope and Building Area." The Development Area will be subject to a development cap, so that only 5,082 acres will be developed and approximately 2,785 acres will remain open space at full Project buildout. Id. This acreage is in addition to the 15,150 acres of the Specific Plan Area that is designated Resource Management and the 3,400 acres of the Specific Plan Area that is designated Ranchlands outside of the Development Envelope. Specific Plan, Section 2.3.5.

In addition, the Tejon Mountain Village Specific Plan Land Use, Open Space & Conservation Policies 17 (development shall only be allowed within the non-restricted portions of a parcel) and 41 (prohibit residential or commercial development within conservation easements and/or Map Code 8.5) as well as Policies 11, 13, 16, 36, 43, 45, 47, 49 and 50 will ensure that residential development is varied by open spaces. Specific Plan, Section 2.4. See also Implementation Measures A (incorporate custom lots, attached products, clustered products, fractional and condominium opportunities to broaden residential pricing and ownership opportunities), E (incorporate flexible design and siting standards, and promote clustering as a means of maximizing the preservation of open space) as well as Measures D, G, J, M, S, U, X, Z, GG, and JJ.

Response 55a R2.

Commentor suggests that fences around individual homes, if any, should be varied in style. The Tejon Mountain Village Master Design Guidelines sets forth criteria for the design and implementation of walls and fences in Section D (4). Walls and fences should not disturb the open character of the Project, "shall blend with both architecture and landscape design...", should be made of natural materials such as wood or stone, and if stained or painted they shall be an extension of the colors of the adjacent residential architecture or compatible with the adjacent landscape. Id. Based upon these restrictions and because the homes within the Project will vary and include a number of custom lots, it is anticipated that fences, if any, will be similarly varied in style.
Response 55a S2.

Commentor suggests that the Project implement a wide variety of landscaping or allow homeowners to do so. The goal of the Landscape Design Guidelines is to preserve and protect the existing "mosaic" of vegetation and diverse landscape. See Tejon Mountain Village Design Guidelines Section D. The Tejon Mountain Village Design Guidelines Section D will require homeowners to select plants from the "Tejon Mountain Village Plant Palette," allowing for flexibility in plant materials while maintaining certain landscaping restrictions. See also Open Space Policy 33 (retain existing vegetation on undeveloped portions of property) and Implementation Measure BB (the permitted plan palette lists those plant species suitable for use in both Master Developer landscape treatments and individual site specific landscape plans for homeowners). Tejon Mountain Village Specific Plan, Chapter 2.

Response 55a T2.

This comment appears to relate to the Centennial project in Los Angeles County, and not to the Tejon Mountain Village Project or EIR. The opinion of the commentor is noted for the record and will be made available to the decision makers.

Response 55a U2.

The commentor presents an idea to allow the swapping of development rights between Centennial, Fallingstar/Frazier Park Estates, and Gorman Post Range – and more broadly inclusive of the Lancaster, Bakersfield and Santa Clarita areas. This comment appears to relate to the Centennial project in Los Angeles County, and not to the Tejon Mountain Village Project or EIR. The opinion of the commentor is noted for the record and will be made available to the decision makers. Please see Section 6, ALTERNATIVES, of the Draft EIR which analyzes several alternatives, including Alternative D, which analyzes the Project’s impacts at another location.

Response 55a V2.

Commentor states that he has provided a sufficient amount of suggestions regarding residential development and does not have time to suggest ideas about commercial development. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 55a W2.

Commentor notes that he cares deeply about the California condor population and about what it represents. Commentor notes he has been fortunate to see condors in the wild many times. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. Please refer to Section 4.4, BIOLOGICAL RESOURCES, of the Draft EIR for a thorough analysis of the Project's potential impacts on the condor.

Response 55a X2.

Commentor notes that he is copying comments from his feedback on the TUMSHCP. To the extent the comments that follow address text that is in the TUMSHCP or Draft Environmental Impact Statement (EIS) and not in the Draft EIR, they are beyond the scope of these Final EIR responses to the Draft EIR.
Commentor states that, although he is not an expert in wildlife management or condor biology, he has participated in the condor recovery process. Commentor expresses his opinion that Noel Snyder is the preeminent expert in the field, and states that Mr. Snyder and several other condor conservationists submitted comments on the Draft EIR. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. This comment refers to comments submitted on the TUMSHCP/Draft EIS, which is beyond the scope of these Final EIR responses to the Draft EIR.

Response 55a Y2.

Commentor suggests that the recommendations of the condor biologists be trusted over conflicting recommendations in the TUMSHCP. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. This comment refers to comments submitted on the TUMSHCP/Draft EIS, which is beyond the scope of these Final EIR responses to the Draft EIR.

Response 55a Z2.

Commentor states that he has the comments of the condor biologists in front of him. Rather than rewording these comments, commentor states he will summarize his rationale for why development should be reduced from the levels of the proposed Project. Commentor also asks how the preparers of the TUMSHCP could be allowed to produce maps with so few landmarks. This comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors. This comment refers to comments submitted on the TUMSHCP/Draft EIS, which is beyond the scope of these Final EIR responses to the Draft EIR.

Response 55a A3.

This comment suggests that condor foraging activity indicates Tejon Ranch is “prime” condor habitat. The historical and current importance of portions of Tejon Ranch for condor foraging is recognized throughout the Draft EIR (see, e.g., Draft EIR at 4.4-86 through 4.4-98) and the Tejon Ranch California Condor Conservation and Management Plan (CCP) (see pages 25-36 and Figures 4, 5, and 6), included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR). Please see Response to Comments 26-H, 26-K, and 26-T regarding the effect that Project development will have on condor foraging habitat, the relative use of the Project by condors with respect to other areas of the Ranch, and the extensive amount of foraging habitat that will be preserved both with the Project site as well as in open space areas on the Ranch. The Project will not significantly impact condors or condor habitat, and will maintain and enhance overall condor habitat values on the Ranch.

Response 55a B3.

This comment suggests that Tejon Ranch links two large land regions (the southern Sierras and the southern Los Padres National Forest) historically used by condors. The Draft EIR (pages 4.4-88 through 4.4-89) and the CCP (pages 25-29) discuss and consider condor foraging movements between the Los Padres National Forest and the southern Sierras and note that the Tehachapi Mountains, including Tejon Ranch, serves as a linkage between these areas. Condors used, and continue to use, the northern, higher-elevation ridges on Tejon Ranch because of the regular thermals and updrafts along these ridges that provide lift to condors. As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by condor experts consulted by the Project, the initial Project
development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. This area includes Grapevine Peak and northern Grapevine Ridge, the northern portions of Middle, Silver, Squirrel, and Lolas Ridges, the area encompassing the junction of Tunis and Geghus Ridges, and the easternmost three-mile reach of Geghus Ridge. In addition, the Project and the Ranchwide Agreement would result in the permanent protection and preservation of approximately 240,000 acres of the Ranch and will keep intact the linkage between the Los Padres National Forest and open space habitats to the east, including the southern Sierras. As discussed in Response to Comment 19-L, the Project, in conjunction with the Ranchwide Agreement, maintains the wildlife connectivity functions and values of the Ranch, including condor movement. The proposed Project will not significantly impact the condor’s ability to continue to use these areas as flyover habitat and will maintain and enhance the value of the Ranch for the conservation of the species.

Response 55a C3.

This comment suggests that condors need wilderness, poison- and lead-free foraging areas and can only tolerate low-density development. As discussed in Comment Letter 26, the condor currently populates four locations in North America, including Southern California, central California, Arizona, and Baja California. Each of these areas contain homes, recreational sites and other non-wilderness facilities. As discussed in Response to Comment 26-I, the condor has demonstrated the ability to adapt to rural and semi-rural areas because of its innate curiosity and intelligent nature. As discussed in the Draft EIR at 4.4-89 and the CCP at 14 and 19, lead poisoning due to ingestion of hunter-killed game with lead ammunition is thought to be the leading cause of mortality that resulted in the recent decline of the California condor. Lead ammunition has been prohibited for use on the Ranch by the Tejon Ranch Company since January 1, 2008, and under recently enacted state law (July 1, 2008). It should be noted that addressing lead poisoning risks rather than pursuing wilderness for the condor has been specifically advocated by one of the condor experts recruited by the Center for Biological Diversity to provide comments on the proposed TUMSHCP (“For decades, a central operating assumption for condor conservation was that the species was threatened importantly by habitat loss and human disturbance of nesting areas and that the key to its conservation lay in habitat preservation and isolating the species as much as possible from direct contact with humanity. However habitat loss and disturbance of nesting areas turned out to be only minor factors in the condor’s decline. The major factor was excessive mortality, especially from poisoning. This remained largely unaddressed…..The major threat of lead poisoning was only confirmed as the wild population was about to disappear, and unfortunately it was not a threat that could be easily or quickly reversed” (Snyder & Snyder 2000 at 370)). The proposed conservation measures associated with the Project and the Ranchwide Agreement would permanently preserve approximately 240,000 acres of the Ranch, maintain clean (non lead-impacted) hunting and grazing programs and, if implemented by the USFWS, provide clean supplemental feeding programs. Consequently, hundreds of thousands of acres of high value condor habitat and non-lead impacted food sources will be maintained and enhanced throughout the Ranch.

Response 55a D3.

This comment suggests that recreation associated with lead gut piles or carcasses and the accumulation of microtrash pose a serious threat to condors. As discussed in Response to Comment 55a-C3, above, lead ammunition is prohibited within the Ranch by TRC and under state law. As discussed in Response to Comment 26-H, human hunting and grazing activities have provided the primary source of condor food since widespread European settlement occurred within the condor’s range. The maintenance of clean (non lead-impacted) hunting and grazing programs within the Ranch provides significant benefits for condor conservation and recovery. Potential microtrash and human disturbance impacts, including from
recreational activities, are discussed in the Draft EIR (pages 4.4-89 through 90) and the CCP (page 37). Measures to mitigate potentially significant impacts as a result of microtrash and human disturbances to less than significant levels are identified in the Draft EIR, pages 4.4-119 through 120, and the CCP, pages 65-67.

**Response 55a E3.**

This comment suggests that even modest human development drives off condors from feeding, roosting, and nesting areas. The comment is conclusory and no evidence is provided to support the statement that even modest human development drives off condors from feeding, roosting, and nesting areas. As noted in the CCP, page 35, no nesting habitat exists within Tejon Ranch and no nesting condors have ever been documented on the Ranch. Consequently, none will be affected by the Project. All of the condor’s historical roosting areas within the Ranch are preserved and buffered by geography and distance from the Project. Please see Response to Comment Letter 26-H, 26-K, 26-T, regarding the effect that development of the Project will have on condor foraging habitat, the relative use of the Project by condors with respect to other areas of the Ranch, and the extensive amount of foraging habitat that will be preserved both with the Project site as well as in open space areas on the Ranch. The Project will not significantly impact condors or condor habitat and will maintain and enhance overall condor habitat values on the Ranch.

**Response 55a F3.**

This comment suggests that “three areas” of proposed development on Tejon Ranch form a “solid band of human development,” are “too large,” “too close together,” and that the Project is “too close” to the existing Lebec “footprint.” As discussed in the CCP on pages 25 and 26, and as depicted in Figures 2, 4, and 5, condors rarely used and currently do not significantly use the San Joaquin Valley or Antelope Valley portions of Tejon Ranch for foraging or flyover habitat. None of these locations have been historically used for nesting or roosting. Development in these portions of the Ranch will have no effect on condor roosting, nesting or foraging individually or in combination with the Project. The Project’s individual and cumulative potential impacts to condor roosting, nesting or foraging are discussed at pages 4.4-86 through 4.4-98 of the Draft EIR and include an analysis of condor foraging and habitat use and ongoing threats, including lead poisoning, microtrash and habituation. Potential cumulative impacts are considered in Section 4.4-5 and summarized in Table 4.4-163 of the Draft EIR. The cumulative analysis includes a discussion of potential impacts to condor distribution and movement, loss of foraging habitat, and indirect impacts. The impact assessment is summarized at pages 4.4-515 through 4.4-520 of the Draft EIR. The CCP discusses the Project’s potential direct and indirect impacts to the condor, including state and federal take, microtrash ingestion, human disturbance, loss of foraging habitat, transmission line collisions, habituation, and wildfires, at pages 36-44. Potential impacts to designated condor critical habitat are analyzed at pages 44-65, and measures to avoid, minimize, and mitigate potential condor impacts are identified on pages 65-71. The CCP identifies measures that will contribute to the conservation and recovery of the condor at pages 71-76 and provides analysis conclusions at pages 76-78. The Draft EIR analysis and the CCP conclude that the Project’s individual and cumulative impacts to the condor will be less than significant. The Draft EIR also notes that beyond the cumulative impact study area in which the southern California population of the California condor occurs, the population remains at risk. Other public agencies can and do have the jurisdiction to undertake changes or alterations in existing laws, regulations, and land management activities and priorities to further preserve and enhance foraging habitat within the entire range of the California condor. The Draft EIR states that the cumulative impact to California condors is considered to be significant and unavoidable pursuant to Section 15091(a)(2) and Section 15093 of the CEQA Guidelines because the lead agency, Kern County, cannot assure these other agencies can or will undertake such activities.
Response 55a G3.

Commentor asserts that the County should be skeptical of mitigations, suggesting that the County not allow "plausible possibilities to mitigate anticipated adverse effects" and that the only types of mitigations that are "worthy" are those that have been proven to work in comparable adverse conditions. To the extent this comment expresses concern that Project mitigation measures will successfully reduce Project impacts and will function in the way that they are intended, the mitigation measures identified in the Draft EIR and added in the Final EIR meet the requirements of law as set forth in CEQA Guidelines Section 15126.4. The Project mitigation measures also fulfill CEQA's statutory purpose by attempting to minimize the Project's significant effects to the degree feasible. Public Resources Code § 21002.1. Finally, the Project mitigation measures are legally adequate because they are capable of:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action; (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or (e) Compensating for the impact by replacing or providing substitute resources or environments.

CEQA Guidelines Section 15170; Sacramento Old City Association v. City Council (1991) 229 Cal.App.3d. 1011, 1030 (quoting CEQA Guidelines Section 15170 in order to determine the legal adequacy of mitigation measures). See also Laurel Heights Improvement Association v. Regents of University of California (1988) 47 Cal.3d. 376, 407 (holding that deference is granted to lead agencies in their determinations regarding the effectiveness of mitigation). Commentor is also referred to the Response to Comment 20-B regarding mitigation monitoring, for an explanation of how the Mitigation and Monitoring Plan will ensure that Project mitigation measures will be implemented, tracked for public review, and completed.
Comment Letter 55b

From: Bob Hamber <bob_hamber@yahoo.com>
To: <murphycc@co.kern.ca.us>
Cc: Bob Hamber <robert.hamber@navy.mil>
Date: 07/20/2009 9:33 PM
Subject: Fw: Tejon DEIR Public Input from Bob Hamber
Attachments: TejonDEIR.txt; DoesThisAddressWork.PNG

Craig,

Please tell what is going to happen to these comments since they are a week late. I didn't realize they were to go to Kern Co rather than the USFWS. (The .png attachment is some evidence of this. BTW, their mail server did generate a reply that it accepted my test msg.)

I've heard there is another way comments can still be considered by Kern Co. Can you explain this, or refer me to a website?

As the following is hard to read, I've also include a clean text version as an attachment.

Now to extract the relevant parts to rework for the FPE DEIR comment submission that closes today.

Bob Hamber
Santa Barbara CA, and co-owner of two rental homes and 8 APNs, (actively involved landlord) in Frazier Park and Lebec.

--- On Mon, 7/13/09, Hamber, Robert A CIV NAVFAC <robert.hamber@navy.mil> wrote:

> From: Hamber, Robert A CIV NAVFAC <robert.hamber@navy.mil>
> Subject: Tejon DEIR Public Input from Bob Hamber
> To: fw8umsshop@fws.gov
> Cc: FWSDevelopment@fws.gov, bob_hamber@yahoo.com
> Date: Monday, July 13, 2009, 4:01 PM
> My Input for the Tejon DEIR
> Five years ago, my wife and i were attracted to buy a lot
> to build a
> vacation/retirement home in Frazier Park due to both
> it’s
> affordability, and rural charm. We have since bought
> two more lots and
> two homes as an investment. While we
> would stand to gain financially
> from TMV and Centennial, and other development in the
> region, we are
> concerned these developments, Fallingstar, and other
> development
> proposals in the future, will bring the city -- or at
> least 90's
> suburbia and chain stores, traffic congestion, water
> rationing, light
> pollution -- to our mountain community and vicinity.
> My concerns probably include many issues outside the scope
> of the DEIR.
> but I submit them because:
> 1) I don't know the environmental impact review process so
> I don't know
> which issue are in or out.
> 2) Even if they are outside the scope, the form part of the
> real life
> picture of not only my concerns, but of the real
> state of affairs. I
> request such issues be passed on to the appropriate parties
> in the F&WS,
> Kern County, State of California that can address
> these long-term
> systemic issues.
> I have not reviewed the DEIR.
> Issue 1) LACK OF REGIONAL PLANNING
> I've heard the DEIR referred to as the TMV DEIS as if
> it does not
> include Centennial. And even if it does include
> Centennial, it doesn't
> include Frazier Park Estates/Fallingstar, or other
> potential development
> in the Mountain Communities
> area. I've very concerned the piecemeal
> approach to not only environmental impacts, but all
> aspects of
> development (financial, schools, public safety, etc) need
> to be
> addressed in a holistic regional planner manner.
> I assume the DEIR ignores:
> -- the impact of secondary development. Centennial
> especially, and TIC
> too, will increase the population of the Mt
> Communities to the point
> that larger chains will come, thus attracting more
> residential and
> commercial development throughout the region.
> -- the cumulative impact of existing development. (I5,
> Gorman, Lebec,
> Frazier Park, LotW, Pinion Pines, Pine Mt Club,
> Grapevine)
> -- I understand this is probably outside the scope of the
> DEIR, but
> it's not appropriate for making the decisions
> appropriate for the
> people.
> 2) WATER
> My biggest concern is the water supply. Water is the
> most vital
> resource for development in our arid region.
> 2a) Even if all the other issues can be mitigated, if this
> development,
> or future development of which this is a part of,
> cause water shortages
> to the people and businesses already here, that is
> unfair. I'm not sure
> of the legal term for it, but maybe it is something
> like Western Water
> Law. And while I may not agree with the law as
> it doesn't support good
> wise use principles, it does have it's merits. And this is
> a case where
> it does. "We" were here first. Be
> sure there is enough water, not
> only for TMV, but for any projects that get to be
> developed because TMV
> was a precedent.
>
> 2b) I don't know what is behind the last minute removal of
> Castic Lake
> from the project boundary (for the HCP, the DEIR, or
> both I'm not
> clear). Tejon Ranch Corp (TRC) is a business that is
> responsible to its
> shareholders to make money. Ok. But they
> have lawyers and consultants
> that neither the public nor the government has access
> to. I have good
> grounds to be suspicious of their intent. Please use
> whatever legal
> recourse you have to apply judgment and fight where
> they are trying to
> evade the intent of the law/regs by legal technicalities.
>
> 2c) Do not let them claim there is enough water for
> this project by
> referring to "paper water" including but not limited
> to the State Water
> Project.
>
> 2d) TMV and any development in the region, including
> existing homes and
> businesses and agriculture, need water in the driest
> of times. Insist
> upon a very scientific, very conservative view of water
> supply over the
> long term, spanning long droughts.
>
> 2e) While I'm a believer in water conservation, and
> sustainable
> building practices, do not accept unproven claims of
> reduce per capita
> water consumption. Again, due to the seriousness of
> this issue, you
> must be very conservative in accepting forecasts of
> water savings.
>
> 2f) Likewise take the most conservative
> interpretation and judgment of
Comment Letter 55b, Cont.

7/22/2009 Craig Murphy - Fw: Tejon DEIR Public Input from Bob Hamber

> what native/on-property/in-project water supplies can
> provide on a
> sustained basis, over long droughts.
> 
> Here might actually be a unique idea:
> 2g. I strongly recommend that if there is any
> disagreement from the
> project proponents with the very conservative water
> supply and demand
> balance, and water table forecasts (due to disagreeing
> scientists or
> whatever), that the water supply be put to the test.
> Require TMC to
> develop all the water supply infrastructure that
> build-out will need,
> and extract the full amount of water the project will ever
> be
> permitted. If waste water reclamation is required as
> part of the
> development, simulate that too, by building the
> injection wells and
> reinjecting the appropriate flowrates. If reclaimed
> water is planned to
> be recycled, simulate the watering, or pumping into
> Castaic Lake if
> that's their planned use. The net amount of water
> that would actually
> be consumed (lost) by the development, needs to be
> simulated as lost by
> pumping or trucking somewhere outside any of the
> aquifers and
> watersheds the project will rely on. (This water may
> be sold by TMC).
> Run this live simulation for as many years to truly prove
> there is
> sufficient water supply for the project over a
> 100-year drought without
> causing any water shortage to the existing users of the
> same aquifers
> and watersheds. In other words, make the developers
> prove the water
> supply is adequate for their water
> use. Then of course, the conditions
> of use during the simulation will be binding upon the
> development into
> the future. If they believe their words they
> must be willing to back
> them up.
> 
> (And by the way, the regional approach referred to
> above? All proposed
> developments must do the same. FPE has to drill
> their well too and
> pump it at their consumption rate too. They both use
> the Cuddy Creek
> aquifer.

55b-D cont.
> Or TMC can buy out FME's development rights and then that
> well wouldn't
> have to be put into simulated use.)
> 3. Traffic. Same idea. The govt (FWS,
> Kern Co) must take a
> conservative approach to what the traffic impacts
> will be. If the
> developers don't accept the govt's projections and the
> resulting
> consequences (no project, or mitigations) then the
> developers need to
> do a simulation of the govt's project traffic trips per day
> if the
> developers want to contest the impacts or
> mitigations. This simulation
> can be constructive (computers) if independently
> approved, and
> conservative assumptions used.
> 4. RE DEVELOPER RIGHTS
> Another probable outside the official DEIR issue, but it is
> germane to
> the larger issue that is invariably considered behind
> the closed doors.
> My views:
> 4a. Developers have very restricted rights, and need to
> comply with the
> laws and regulations.
> 4b. These developers and the investors behind them are
> speculators,
> trying to make large amounts of money by radically
> changing the use and
> character of the ranch. (Preserving California's
> Legacy my foot!)
> 4c. The developers and investors knew when they bought it,
> what the
> existing zoning, area character, rainfall, traffic
> capacity,
> anti-leapfrog growth land planning restrictions, and
> wildlife protection
> regulations.
> 4d. The mountain community residents, Californians, and
> rest of
> Americans do not owe the developers and investors a
> profit.
> 4e. The developers and investors took a gamble, and
> government approval
Comment Letter 55b, Cont.

> authorities do not owe them a profit.
>
> 4f. Instead, the authorities' bosses are the majority
> interests of the
> local, regional, and national people they represent.
>
> 4g. Secret, backroom deals have no place in government
> review and
> approval process. (Ref Mt Enterprise, 19 June 09
> edition)
> -- I can't understand how this came to be, or how F&WS
> can refuse to
> release all information regarding this matter.
> (imagined answer -
> court order / condition of the agreement. Follow up
> query, why agree to
> such?)
>
> 4h. Reasonable development alternatives exist that the
> developers
> deserve to do,
> -- They only deserve to develop their ranch in the
> character of the
> other mountain communities, which are all smaller
> than 2 square miles
> and 2000 population.
>
> 4i. Allow three or four small (pop 2000, 2 sq mi),
> scattered (greater
> than 10 miles apart), environmentally responsible
> (LEED certified
> building, out of any critical habitat, no incidental take)
> developments
> on the periphery of the ranch where the least condor
> activity is.
> -- The southern tip, possibly on a fifth of the Centennial
> site, or
> maybe better on the south side of Highway 138, or
> best, on the eastern
> nub of the south tip.
> -- The western tip in the flats and foothills to the east
> off Grapevine
> (but either industrial area or residential, not
> both)
> -- The northern peninsula, either east of Arvin, or along
> Highway 58.
> -- The eastern tip 10 miles NE of Quail Lake,
> (unfortunately encroaches
> on the remoteness of the Pacific Crest Trail).
>
> 4j. In lieu of TMV which is way too big and too close to
> prime condor
> use sites, my proposal provides for:
> -- four Frazier Park/Pine Mt Club size villages (2000 pop,
> 2 sq mi) in
> the vicinity of the four tips of the ranch.
Comment Letter 55b, Cont.

> -- in the TMV vicinity, allow at most a little
devotion near I-5 and
the south side of Castac Lake (say motel, golf course
(if water supply
really allows), and 20 expensive homes).
>
> 5. DEVELOPMENT IN CHARACTER
> I'm out of time to edit this to appropriately apply to TMV,
> which is not
> very suburban. But if this DEIR does cover
> Centennial, this applies.
> And some bullets like street lighting, main avenues,
> grading, would
> apply to TMV.
>
> My current vision of any development that does occur.
> ----I realize this is idealist, but it has its merits.
> ----I should do an economic analysis of some alternatives
> along this
> line, compared to the proposed developments, to see
> if the vision is
> plausible. Maybe developers can't make as much profit this
> way, but if
> by accepting this vision they get our support, save
> on litigation and
> other delays, a create even more desirable
> communities/neighborhoods, I
> believe they stand to make a fair profit.
> ----What is it aesthetically about the proposed
> developments that
> disnays me?
> They look like suburbia, with tract homes and contemporary
> shopping
> centers (undoubtedly with lots of franchise
> business). Some plan on
> drastic grading of the hillsides. Nice planned developments
> are nice...
> in and around cities, and elsewhere.
> --I'd like to see new development fit in with the
> character of this
> area. What are the salient characteristics?
> -- Neighborhoods of individually designed homes. Whether
> upscale low
> density like Pinon Pines, or mid range low density
> like most of Lebec,
or upscale mid density like most of PMC, or mid range high
density as
> Frazier Park is gentrifying. Every home doesn't have
> to be different,
> but for a neighborhood, at least 30 floor plans, with
> 15 different
> architectural styles, and 5 construction methods. A good
> mix of one
> story and two story.
> -- Mixed neighborhoods. New neighborhoods don't have to
Comment Letter 55b, Cont.

> have home prices
> from 200K to 1M, but at least an fairly even
> distribution of prices
> where the top is at least twice the bottom. If a
> neighborhood has some
> 200K, it would have some at least 400K. And not just
> a mix of home
> sizes, but a mix of lot sizes that also vary by the
> same 2x factor. And
> some small homes would be on the larger lots and some large
> homes on the
> small lots.
> -- Follow the land. Don't do extensive grading. Hillsides
> can have
> smaller homes, homes on piers, or multilevel homes.
> Have streets whose
> patterns vary. Frazier Park is a good example in variety
> and how few
> homeowners have drastically cut and filled.
> -- No sidewalks. No community up here has them. If you what
> sidewalks,
> live in suburbia or the city.
> -- No street lamps. There are few up here away from the
> freeway. Save
> our romantic dark night sky. (Lets work to shield and
> reduce the
> existing street lamps that are here.)
> -- Vacant lots. Every community up here has 10 to 25%
> vacant lots. So
> should the new ones. This a much as anything else
> will help break the
> impression of being a housing tract. Over time these can
> infill with
> individually built homes just like most of the vacant lots
> in the
> existing communities will. And just like some vacant
> lots have been
> merged with a built on lot where those owners wanted space
> in the
> current communities, so should 10% of new
> developments have some large
> and double sized lots where the home is on one side of the
> lot. The
> "small homes... on larger lots" mentioned above is part of
> this, but so
> it larger homes on large lots, if they are well off
> center. And land
> that doesn't appear buildable doesn't count -- not the
> backyard downhill
> or uphill embankments. As one drives most streets,
> they need to appear
> not built out.
> -- Fence variety. The appearance of individual homes will
> be destroyed
> if they have common style fences. Fence styles need
> to vary greatly. OK
Comment Letter 55b, Cont.

> for upscale neighborhoods to have no chain link fences. And
> hopefully
> > many homes won't have fences at all. Maybe the
> > developments should come
> > with no fences, and the new home owners will
> > naturally put up a variety
> > of fences. Maybe further measures are needed. Like no
> > fences for a year,
> > to give people a chance to know their neighbors with
> > the hopes fewer
> > will put up fences. Maybe prohibit fence companies
> > going door to door,
> > erecting one similar fence after another. Or any fence
> > company putting
> > up a fence next door to a lot they have already
> > fenced, must use a
different style.
> > --> Landscaping variety. Same thing. If developer provided,
> > must have
> > wide variety of landscaping. And not just different
> > plants, but
> > distinctly different styles, themes. Maybe no landscaping
> > until the home
> > is sold, and so the new owner chooses from at least
> > 30 plans. Maybe one
> > can't choose a plan that is within 3 homes/lots
> > either way, both sides
> > of the street.
> > --> Maybe one way to promote variety is instead of the
> > current developer
> > practice finish one tract before going on to the
> > next, a community like
> > Centennial would develop at least half their neighborhoods
> > at once.
> > building 10 homes per 100 home neighborhood a year,
> > for 10 years. Up to
> > 40 of 100 the first year would be OK before the first
> > owners moved in,
> > with the rest built over at least 5 more years. Don't want
> > too much
> > construction going on in the neighborhood every year,
> > so maybe 25 more
> > two or three years later and 25/100 more three years
> > after that. Some
> > clustering would be good. Variety in everything is key.
> > --> Another novel idea is to require swapping of development
> > rights. Let
> > the Centennial developers build 100 homes in
> > Fallingstar and 100 in
> > Gorman Post Ranch. Fallingstar's developer and Gorman Post
> > Ranch's
> > developer would each build 100 homes in the others'
> > developments. This
> > would foster variety while retaining most of the
> > economies of scale.
> > (Just for conceptual example -- I'm not endorsing any of

55b-D cont.
Comment Letter 55b, Cont.

> the current
> development plans.) Swaps could be with developers
> outside the region
> - say Lancaster, Bakersfield, or Santa Clarita.
> ---
> ---
> --- That's enough possibilities about the variety of
> residential
> development for now to convey the idea.
> [ ] No time for my ideas on commercial development.
> ---
> ---
> 6. WILDLIFE
> Since I've run out of time, copying from my HCP feedback:
> I care deeply for the condor population and what it
> represents iconically,
> culturally, and historically. I have been
> fortunate to see condors in
> the wild a dozen times or so in by backcountry trips.
> ---
> I am not an expert in wildlife management, much less condor
> biology or
> recovery. But I have been on the periphery of the
> condor recovery
> program since the beginning. I've attended a few
> public information
> meetings and the AC-9 release, I've socialized with,
> and heard inside
> news and issues of many team members. I know
> that the best expert on
> condor recovery and management, the one with a proven track
> record of
> dominate team influence and making the tough
> decisions in the 80's and
> 90's, that once approved by you, CF&G, et al,
> were ultimate successful
> in producing the captive and 4 wild populations we have
> today, is Noel
> Snyder. Pete Bloom is a nice guy, has been in
> the field loads
> performing key, valuable services, has probably read the
> important
> studies, and I assume has a relevant degree, but he doesn't
> have the
> strong scientific research and background and
> application experience
> Noel has demonstrated. Noel, together with seven
> other very experienced
> condor conservationists (including my mother), have
> sent in their
> remarks.
> ---
> So my recommendation is simply:
> Because of their credentials,
> experience, and Noel's proven
> leadership,
Comment Letter 55b, Cont.

> their collective reasoning, judgment,
> conclusions and
> recommendations,
> where different from the HCP, should be
> trusted and believed
> much more
> than those in the HCP.
> I have their comments here in front of me, which I could
> read, and
> reword, and hope that you then tally, as if the most
> tally marks win.
> (No, I trust you don’t do that. You should, as civil
> servants (like
> me), fulfill the responsibilities of your position,
> free from
> bureaucratic, private or political pressure. That can
> be hard. But
> just do it.) I haven’t read even the HCP
> summary. But I’ve seen the
> maps.** I can’t address the
> details. Instead I’ll summarize my
> rational for why development should be less than Tejon
> developers plan.
> ** How can they be allowed to produce maps with so
> few landmarks --
> creeks, peaks, roads?

> 1. The simple fact that the condor range and foraging
> activity during
> the last decade of the original wild population
> (1980’s) centered on
> Tejon indicates this is prime habitat for them.
> 2. Tejon also sits in the middle, and links, the two large
> wild land
> regions that comprise the rest of their final wild
> range (southern Los
> Padres, and southern Sierras).
> 3. Condors need wilderness, or poison-free remote
> rangeland
> operations, and remote lead-free hunting areas, and
> can tolerate only
> limited low density development.
> 4. Some kinds of recreation pose a serious threat to
> individual
> condors.
> -- e.g. lead gut piles or carcasses, accumulations of
> micro-trash.
> 5. History shows even modest human development drives
> off condor
> groups/families for feeding, roosting and nesting.
> 6. The three areas of proposed Tejon Ranch
> development form a rather
> solid band of human development and activity.
> -- Much too large.
> -- Too close together.
Comment Letter 55b, Cont.

> -- While The industry area and Centennial locations are
> away from most
> condor activity (ref Cogan, 2009), having TMV in
> between, and adding to
> the Lebec footprint, is too much too close together.
> >
> > 7. MISC
> > 7A) Be skeptical of mitigations.
> -- Do not allow plausible possibilities to mitigate
> anticipated adverse
> effects.
> -- Only mitigations proven to work, in comparable
> conditions are
> worthy.
>
> Bob Hamber
> 695 Camino Campagna
> Santa Barbara CA 93111
> bob_hamber@yahoo.com
> (Also a property owner in Frazier Park and Lebec)
Comment Letter 55b. Robert Hamber (July 20, 2009)

Response 55b A.

Thank you for your comment. Bob Hamber asks what will be the result of submitting his comment one week late. Commentor states that he mistakenly submitted comments to the U.S. Fish and Wildlife Service, rather than Kern County. Please refer to Response to Comments 25-C and 59 regarding the time provided for review of the Draft EIR.

Response 55b B.

Commentor states that he has heard another venue is available for submitting comments on the Draft EIR, and asks for an explanation or reference to an appropriate website. Please refer to Response to Comments 25-C and 59 regarding the available opportunities for comment on the Draft EIR.

Response 55b C.

Commentor states that he is extracting relevant portions of the comments he submitted on the Frazier Park Estates Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Any comments addressing the Frazier Park Estates Draft EIR are beyond the scope of these Final EIR responses to the Draft EIR.

Response 55b D.

Commentor includes an email sent on July 13, 2009 to the U.S. Fish and Wildlife Service regarding entitled "Tejon DEIR Public Input from Bob Hamber." This email was received by the County and responded to in its entirety. Please refer to Responses 55a-A through 55a-G3, above.
Comment Letter 56

To Kern Co. Planning Commission

In regards to “Tejon Mountain Village”

Dear Sirs:

I am not objecting to the Tejon Ranch Plan although it seems like a waste of good land to me.

What I have is a question, will the Commission consider those of us who might go dry because of this proposed development?

Looking at the map I realize this development is right on my door step. Our twenty acres are less than a mile up Lezor Oak Rd. Water is the problem. Our well produces less than one gallon a minute, just enough to stay alive.

There is quite a bit of water in this general area, there are a couple of swampy places and the Kristy water co. has a good well but they won’t sell any water to those on county parcels. I find it hard to take because their pipes and valves are right on my property line.

I try to make do with the little water I’ve got but if that goes because of this development what do I do? Well all in on this project.

I would like the county to create a provision that will protect those of us who might go dry.

7-15-09

56-A

56-B

56-C

56-D

56-E

56-F

56-G
Due to this proposed development, nobody wants to hire lawyers and start lawsuits if all that can be avoided by getting people to agree to cooperate if worse comes to worse.

Section 1260 of the California Water Code states:

"Owners of lands overlying a ground water basin or other common source of supply have the right to withdraw water for reasonable beneficial use on their overlying lands and the right of each owner, correlative to the right of all other owners similarly situated, in case of insufficient water to supply the requirements of all, the available supply must be equitably apportioned."

Thank you very much!

William J. Bellah
P.O. Box 792
(2792 Gibson Dr.)
Lot 850, Cal. 93243 661-248-0213
Comment Letter 56. William J. Bellah (July 15, 2009)

Response 56 A.

Thank you for your comment. Commentor notes that while he does not object to the Project, it seems like a waste of good land. This comment is an introduction to the letter and does not specify a particular issue with respect to the adequacy or content of the Draft EIR. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 56 B.

William Bellah asks if the proposed Project is considering those who “might go dry” because of the Project.

It is assumed that the concern about "going dry" is referring to the use of area groundwater supplies by the Project to meet Project water demand. According to the water supply assessment approved by the Tejon Castac Water District (TCWD) local groundwater will not be used to meet Project water demand. See Draft EIR, Section 4.16, UTILITIES AND SERVICE SYSTEMS, and Appendix N1. As noted on page 4.16-11 of the Draft EIR “No local groundwater would be used to meet the Project’s potable or nonpotable water demand.” In addition as discussed in Section 4.8 “HYDROLOGY AND WATER QUALITY” the Project would prohibit well use for golf course and other landscape irrigation purposes to encourage the use of recycled water supplies. The water supply proposed for the Project will not utilize local groundwater resources therefore Project implementation will not cause existing users of local groundwater to go dry. See Draft EIR, Appendix N1.

Response 56 C.

This comment indicates that the commentor has a one (1) gallon per minute well and that the Project is located within a mile of his home.

As discussed in Response 25-R10, the Project’s water supply assessment (WSA) and Section 4.16 of the Draft EIR do not include the use of any groundwater, including local groundwater serving the Mountain Communities. The WSA and Draft EIR demonstrate that the Tejon-Castac Water District (TCWD) can meet Project water demands with three sources of supply: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water banked in and recovered from TCWD’s water banking facilities in the Kern Water Bank and Pioneer project; and (3) SWP deliveries under the District’s contracts with the Kern County Water Agency, assuming average, dry and multiple dry year SWP deliveries will occur at the lowest levels identified in the current SWP reliability report prepared by the California Department of Water Resources (DWR). The WSA and Draft EIR also account for potential variability in rainfall as well as other potential supply disruptions related to factors such as climate change, Delta disruptions, and endangered species lawsuits. The WSA and Draft EIR show that the Project will have sufficient water supplies under the most conservative SWP delivery scenarios and without using any local or other groundwater. As a result, the proposed Project will not use any local groundwater and will have no impact on local groundwater.

Response 56 D.

William Bellah comments that there is a lot of water in his general area, including a few swampy places.
This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 56 E.**

Commentor notes that the Krista Water Company will not sell its well water to people located on County parcels, which frustrates commentor because their pipes and valve abut his property line. The comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 56 F.**

This comment suggests that the commentor is conserving groundwater and is concerned that the Project may affect his well supplies.

As discussed in Response 56C, the WSA and the Draft EIR do not include the use of any groundwater, including local groundwater serving the Mountain Communities. As a result, the Project will not impact local water supplies, including the commentor’s well.

**Response 56 G.**

This comment suggests that the County should “create a provision” that would protect groundwater users in the event supplies “go dry” due to the Project.

As discussed in Response 56C, the WSA and the Draft EIR do not include the use of any groundwater, including local groundwater serving the Mountain Communities. The Project will not impact local water supplies, including wells in the Mountain Community area. As a result, the implementation of a “provision” related to Project impacts on groundwater supplies is not required by or relevant to the Draft EIR or to any other Project discretionary review and approval process.

**Response 56 H.**

Commentor notes that he prefers cooperation to lawsuits. The comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

**Response 56 I.**

The comment purports to quote from Section 1200 of the California Water Code. However, the quoted text does not match the current text of Section 1200. The quoted text could only be located in a State Water Quality Control Board guide on Water Rights in California dating from 1990, and was not attributed to a particular source. The comment does not specify a particular issue with respect to the adequacy or content of the Draft EIR, but is noted for the record and will be provided to the Planning Commission and Board of Supervisors.
Comment Letter 57

July 22, 2009

Kern County Planning Department
2700 "M" Street Suite 100
Bakersfield, CA 93301

To Whom It May Concern,

This letter is in response to the proposed development of Tejon Ranch.

I was born and raised in Southern California. I remember hearing as a child about the near extinction of the California Condor and that there were only a few left, mostly in zoos. I remember seeing a picture taken in the early 20th century of a huge pile of dead condors with their "proud" killers.

I was amazed to read the book "Condors in Canyon Country" and hear about the heroic attempts that have been made to bring them back. I was also very concerned about all of the difficulties they faced in the presence of canyon visitors and their litter.

However, I was happy that they have been reintroduced in Southern California as well, but was shocked to hear that the Tejon Ranch development is planned in their habitat there.

This development would bulldoze the heart of federally protected condor turf and the "habitat conservation plan" would do anything but conserve condor habitat. The plan would allow the ranch to "take" condors and 28 other rare species. The artificial food stations for scavenging condors would harm rather than help the birds, relegating it to an outdoor zoo species.

The consensus among independent scientists is that Tejon's supposed conservation plan fails to protect condors and its proposed developments would significantly harm the recovery of the species.

Sincerely,

Marie Morrissey
Comment Letter 57.  Marie Morrissey (July 22, 2009)

Response 57 A.

Thank you for your comment. Commentor describes how she was born and raised in Southern California and remembers hearing about the California condor, including the killing of condors for sport in the early 20th century. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 57 B.

Commentor notes that she has read a book on efforts to help condors recover, and is concerned about the difficulties condors face. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 57 C.

Commentor was happy to hear that condors had been reintroduced in the area, but surprised that the Project is planned within condor habitat. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 57 D.

This comment suggests that: (a) the Project would “bulldoze the heart” of “federally protected condor habitat;” (b) the proposed Tehachapi Uplands Multispecies Habitat Conservation Plan (TUMSHCP) would not conserve condor habitat; (c) the TUMSHCP would allow the Ranch to “take” condors and “26 other rare species;” and (d) the provision of supplemental feeding stations would do more harm than help California condors.

There are no historical or current condor nesting locations within Tejon Ranch. As discussed in Response to Comment 26-H, the Project, in conjunction with the Ranchwide Agreement, will permanently avoid and preserve all of the historical roosting areas within the Ranch. In contrast with condor nesting and historical roosting areas, condor foraging areas are dependent on specific geographical areas only in association with food source availability. The GPS data point analyses considered in the Draft EIR and the CCP (see the Draft EIR at 4.4-90 through 96; CCP at 25-36 and 38-40, Figures 2-5) show that condors have been traversing to and using the feeding stations established by the U.S. Fish and Wildlife Service (USFWS) to a much greater extent than Tejon Ranch. The hunting and ranching programs associated with the proposed Project will increase the availability of clean food sources and would increase condor use of the Ranch for foraging and feeding. The Project, and the Ranchwide Agreement, will ensure that carcasses related to hunting, grazing and, if implemented, USFWS supplemental food programs, will be maintained throughout the permanently preserved open space on the Ranch. Based on observation of condor behavior on the Ranch and in the Southern California range of this species, condors will readily move to locations where food occurs. As a result, the Project and the Ranchwide Agreement will preserve hundreds of thousands of the highest-value and most heavily used condor foraging habitat, and all of the traditional roost sites, and thus avoid and preserve “the heart” of condor habitat on the Ranch. To the extent the comment refers to the Project’s potential impacts to designated condor critical habitat, as discussed in Response to Comment 26-H, approximately 4,800 acres of the proposed Project’s 7,867-acre development envelope is within designated condor critical habitat on the Ranch. Assuming that all of the development envelope within designated condor critical habitat is developed, the Project would impact approximately 3.6% of the critical habitat designated within Tejon Ranch and 0.79% of the total
designated condor critical habitat in California. Over 96% of the designated critical habitat within the Tejon Ranch would be unaffected by the Project. The TUMSHCP is subject to a separate federal approval process (see Global Response 7.5.3, California Condor). The TUMSHCP would cover approximately 141,886 acres of Tejon Ranch Company property in the upland areas of the Tehachapi Mountains, including the Project site. The Project, in conjunction with the Ranchwide Agreement, preserves approximately 240,000 acres or 90% of Tejon Ranch, including: (1) all of the traditional condor roosting sites within the Ranch; (2) all of the 37,099-acre Condor Study Area in the Tunis–Winters Ridge area; and (3) a contiguous block of high-quality condor foraging and roosting habitat that extends from the western Ranch boundary along the Interstate 5 corridor eastward throughout the upland portions of the Ranch, inclusive of the east–west condor flight corridor between Grapevine Peak and Tunis–Winters Ridge area (CCP, Figure 7). This level of condor habitat conservation amounts to one of the largest California condor preservation efforts even accomplished on privately-held land. The TUMSHCP does not allow any lethal take of condors and no other forms of condor take are anticipated. Nevertheless, the FWS has determined that condors that become attracted to human activity and structures, that are not deterred as a result of previous aversion training received while in captivity, and that are not discouraged by deterrence efforts after becoming habituated to human structures or activities, may need to be captured and relocated, undergo additional aversion training and be re-released, or be permanently removed from the wild. This potential need for FWS to capture and relocate a habituated condor could constitute a non-lethal take, if such habituation is determined to be caused by Project development, and would require a permit under federal law. TRC is applying for an incidental take permit under the federal Endangered Species Act that would allow for up to four non-lethal captures of a condor by the USFWS to address habituation over a 50-year period. The permit would cover the proposed Project. Impacts to other species covered by the TUMSHCP would be limited to levels that do not affect conservation and preservation. With respect to supplemental feeding program benefits and potential impacts, it should be noted that each California condor recovery program in Southern California, the central coast, Arizona, and Baja California, includes a food subsidy program that provides clean (non-lead tainted) carcasses for condor consumption. Under current and reasonably foreseeable future conditions, released condors would almost certainly die in the wild in the event supplemental feeding programs were discontinued due to lead ingestion from carcasses killed with lead ammunition and the need to rapidly capture condors at feeding sites for emergency medical assistance. As discussed in the Draft EIR at 4.4-89 and the CCP at 14 and 19, lead poisoning due to ingestion of hunter-killed game with lead ammunition is thought to be the leading cause of mortality that resulted in the recent decline of the California condor. Condor biologists generally agree that without the supplemental feeding programs, which may have provided up to 90% or more of the diet of released condors, mortalities from lead poisoning would have been much higher until the ban on the use of lead ammunition within the areas of condor reintroductions in California was implemented (CCP at 14). The theory that food subsidies harm condors appears to be related to the conjecture that condors receiving subsidized food become “lazy” because they do not need to more actively forage and are more likely to ingest pieces of trash (see, e.g., Mee and Snyder 2007). This conjecture has not yet been proven and appears to be contradicted in part by evidence that condors in the Arizona and central coast release programs, both of which provide food subsidies, have foraged over several hundred miles from the feeding sites (see, e.g., A Review of the First Five Years of the California Condor Reintroduction Program in Northern Arizona (2000) at 13-14 and Figure 5). Others have argued that subsidies affect “natural” foraging behavior and constrain birds to areas near the food sources. The propensity of condors to forage over areas that do not include subsidized food sources has been a major concern of condor recovery efforts since at least the 1980s because condors are more likely to ingest lead from carcasses found “naturally” by condors rather than subsidized carcasses (see, e.g., Snyder & Snyder 2005 at 213 and 222). As discussed in Responses to Comments 26-H, I and T, the concept of “natural” foraging behavior is difficult to define due to the facts that: (a) for centuries, condors have occurred in conjunction with human food sources, including feeding and residing around the edge of native American villages; and (b) almost all nonsubsidized condor feeding has involved food sources directly generated by human
activity, including hunting or grazing since significant European settlement within the condor’s range. As a result of these considerations, several scientists have questioned whether the concept of recovery must be modified in case of certain species, including the condor, that may require permanent human assistance to survive (see, e.g., Scott et al., Recovery of Imperiled Species under the Endangered Species Act: the Need for a New Approach, 2005). Mitigation Measure 4.4-6 would provide funding for supplemental feeding programs on Tejon Ranch only upon the approval of the USFWS. If such programs are determined to be harmful to the species, and if the proliferation of non-lead impacted carcasses throughout the condors’ range eliminates the need to supply clean food and to capture and treat condors at centralized monitoring sites, then such feeding efforts will not be necessary. Consequently, the Project’s support for feeding programs will not adversely impact condor behavior and will enhance condor recovery.

Response 57 E.

This comment suggests that it is the consensus among “independent scientists” that the “Tejon conservation plan” fails to protect condors and that the Tejon Mountain Village development would significantly harm the recovery of the species.

This comment appears to refer to certain condor biologists, data technicians and other individuals recruited by the Center for Biological Diversity to provide comments in response to the TUMSHCP (see Global Response 7.5.3, California Condor). These comments were solicited in support of and inherently reflect the position of a specific advocacy group and cannot be characterized as “independent.” In contrast, the Project consulted with recognized condor experts that have more extensive and current knowledge of condor occurrence within Tejon Ranch than the biologists recruited by the Center for Biological Diversity, including Peter H. Bloom, Dr. Robert W. Risebrough, and Lloyd Kiff. Mr. Bloom has worked in Southern California since 1970 on gathering natal dispersal and natural history information on a wide variety of raptors and was a member of the Condor Recovery Program from 1982 to 1987. The California Condor Recovery Program is administered by the U. S. Fish and Wildlife Service (FWS) to manage the captive breeding and release program and other Service activities related to the recovery and conservation of the condor. Mr. Bloom has conducted extensive field observations and has direct knowledge of condor movements and feeding events within Tejon Ranch and the Project area. He personally trapped and marked all of the original wild free-flying California condors or brought them directly into captivity. While working for the National Audubon Society, Mr. Bloom also conducted extensive ethological observations in the field, particularly on Tejon Ranch, on behalf of the California Department of Fish and Game (CDFG) and the FWS, including the California Condor Recovery Team. The California Condor Recovery Team consists of independent and government scientists with acknowledged expertise on California condors and addresses ongoing issues and challenges to the recovery of the species. Dr. Risebrough has been a member of the California Condor Recovery Team since 1990 and is the director of the Bodega Bay Institute of Pollution Ecology. He is an acknowledged expert on contaminant ecology with particular expertise on mortality and diseases of condors caused by ingestion of or exposure to various contaminants. Mr. Kiff is a former leader of the California Condor Recovery Team and has over 30 years of experience, including on Tejon Ranch, working with the conservation of the California condor on behalf of the CDFG and the FWS. Mr. Bloom drafted the Tejon Ranch California Condor Conservation and Management Plan (CCP) included as Appendix I to the Tejon Mountain Village Biological Resources Technical Report (Appendix E-1 of the Draft EIR); the CCP was reviewed by Dr. Risebrough and Mr. Kiff. As noted on pages 4.4-92 and 4.4-93 of the Draft EIR and on page 38 of the CCP, as a result of analysis and input by these condor experts, the initial Project development envelope was substantially modified to move development off of the northernmost higher-elevation ridges and slopes to preserve high-quality condor foraging and flyover habitat. With the inclusion of these modifications, and the implementation of other measures identified in the CCP, the
condor experts concluded that the Project would not significantly impact condors or condor habitat and would maintain and enhance overall condor habitat values within the Ranch.
Comment Letter 58

SCOPE
Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386

7-23-09

Kern County Planning Commission and
Lorelei Oviat, Division Chief, Kern County Planning Department
2700 “M” Street
Bakersfield, CA 93301-2370

Re: Tejon Mountain Village Specific Plan, General Plan Amendment and DEIR, etc.
Sent Via email, hard copy to follow via regular mail

Please copy to all Commissioners

Dear Planning Commissioners and Ms. Oviatt:

Santa Clarita Organization for Planning and the Environment is a non-profit California Corporation founded in 1987 to monitor planning and conservation issues that affect the Santa Clarita Valley. Although the Tejon Mountain Village is not within the immediate area of the Santa Clarita Valley, we feel that commuting traffic between TMV and Los Angeles will have a deleterious effect on our community. Cumulative impacts to global warming and the project’s proposed use of state water supply will also affect our area as overall water availability is reduced by drought, climate change and increased population.

Despite numerous requests for an extended comment period, your agency seems determined to push an expedited process schedule. We urge you to give the public adequate time to address the problems and questions with this EIR. A good public process will result in a better project for the community and the County, when all aspects of this proposal have been thoroughly reviewed and addressed.

Air Quality and Traffic
A project of this magnitude, sited in a rural area without a job base, will have substantial impacts on adjacent communities in Santa Clarita and Bakersfield, where residents are likely to commute for jobs. These long commutes will adversely affect air quality in these communities. Both Santa Clarita and Bakersfield are already in non-attainment zones for ozone pollution. The impacts of the commutes generated by this project on air quality in these two areas should be analyzed and quantified.

Since these communities must comply with Federal air quality standards in order to obtain transportation funding, the EIR must disclose how the additional air quality impacts from this project would affect the ability of these communities to comply with their SIP. Also, it should

58-A
58-B
58-C
58-D
58-E
58-F
Comment Letter 58. Cont.

SCOPE Comments on Tejon Mountain Village Specific Plan, General Plan Amendment and DEIR and additional entitlements 2

disclose how such a failure would affect their ability to obtain future transportation funding that may be eliminated by their failure to obtain compliance with Federal Air Quality Standards. 58-F cont.

Further, the I-5 is constrained in the Santa Clarita Valley through the Newhall Pass. The TMV project will add traffic to that corridor. Without addressing this added traffic, and resulting slowdowns, which increase air pollution, the DEIR has not fully analyzed cumulative impacts. We request that the DEIR analyze the amount of traffic projected to move through the Newhall Pass and that it be included in any cost sharing measure to fund the highway improvements in that area. 58-G

According to the TMV DEIR, the proposed project is also in a non-attainment zone for ozone pollution. This will require a finding of over-riding considerations in the final EIR. A jurisdiction may not make findings of over-riding considerations without implementing all available mitigation measures. The TMV DEIR does not contain many of the mitigation measures available to reduce air pollution. Some of the available and feasible mitigation measures are included in the list of mitigation measures attached to this correspondence. 58-H

Traffic and Emergency Services
Traffic could also become an impediment to obtaining emergency public services such as fire and emergency medical services. The DEIR discloses that this area is in a very high fire hazard zone. The local community can not provide fire service for an increase to 3450 units and a large hotel. The DEIR should discuss the impact of the added traffic on the ability to provide emergency medical and fire services to this area. 58-I

Also, we note that this proposal requests a change from Kern County’s zoning regulations to grant higher density in a geologically unstable area. We wonder why the County would grant such a change in an ordinance passed to protect the public from earthquake disasters. It is of special concern that such a request is made for an outlying area where, again, adequate emergency medical response can not be provided by the local community and will be impeded by distance and traffic. Please discuss how these services will be provided to such a large additional population in a currently rural area. 58-J

Climate Change
The TMV DEIR states from pages 4.3-201 through 4.3-204 several mitigation measures that could provide a “requirement” from builders to reduce green house gas emissions in relation to building the project, but the DEIR has only “encouraged” the builders to take measures to reduce these emissions. Encouragement is not sufficient for a mitigation measure. The mitigation must be a required condition of approval and added to the list of mitigation measures with a designated lead agency to provide oversight. 58-K

Further, many feasible mitigation measures were not included in the DEIR. We have attached the Attorney General’s list of mitigation measures and request that these be incorporated into the project’s mitigation measure requirements and conditions of approval. 58-L

58-M
SCOPE Comments on Tejon Mountain Village Specific Plan, General Plan Amendment and DEIR and additional entitlements

Water Supply
Water is an extremely important resource in California. Its scarcity is increasing both due to increased population and farming demands and a probable reduction in snowfall due to global warming. It seems foolhardy to base a large new town’s water supply entirely on the State Water Project, a source that was never meant to be more than supplemental.

It appears that the DEIR understates water demand and overstates water supply.

The DEIR may no longer rely on the 2001 J&W Water Reliability Report to analyze the availability of water supply without including the more recent Biological Opinions issued to address the other fish species in the Sacramento Delta that will further reduce water supply during species migration. We request that such analysis be conducted and the DEIR re-circulated to reflect these new figures.

The DEIR calculates water conservation features as a reduction to demand, but provides no guarantee that future homeowners will retain those conservation features.

It appears that water requirements for open space have been underestimated, especially water needed for golf courses. It is a well known fact that recycled water on golf courses cannot be continued without periodic flooding of the course with potable water to leach out the high chloride levels found in recycled and periodically in the state water supply. Requiring RO treatment for effluent may address this problem, but it appears that no accommodation for the disposal of the resulting brine or calculations for the additional energy and water use required for this process were included in either the Water Supply Assessment (WSA) or the DEIR.

Emergency Water Supply
Please disclose the emergency plan to provide water to this large new community in the event of an earthquake or power failure lasting longer than three days that renders the pumps at the Edmonston pumping station inoperable or disrupts aqueduct delivery in some other fashion. It does not appear that ground water pumps are available to provide even an emergency back up supply. This major deficiency in the DEIR and WSA must be addressed in order to protect the public’s health and safety.

Water Quality
The State Water project periodically produces very high chloride concentrations, especially during drought cycles. (Please see the California Department of Water Resources Website for State Water Project Water Quality Tables hereby incorporated by reference in our comments) Although we note that a water treatment facility will be built near the Bear Trap turnout, we did not see any discussion of how the chloride issue will be resolved. Without treatment, chloride levels from the state water will far exceed the base levels of local surface streams and ground water and therefore under the Clean Water Act, such effluent may not be released or pumped into a ground water basin without receiving further treatment. As noted above for recycled water, no accommodation for disposal of the resulting brine or calculations for the additional energy and water use required for this process were included in either the WSA or the DEIR. Please disclose how this project will comply with the Clean Water Act.
Comment Letter 58, Cont.

SCOPE Comments on Tejon Mountain Village Specific Plan, General Plan Amendment and DEIR and additional entitlements

Conclusion
Thank you in advance for allowing us to participate in your planning process. We request that the above issues be addressed, and hope that their resolution will result in a better project. Sadly, we must oppose this project until such time that these serious impediments to ensuring the health and safety of this project’s future residents are addressed.

Sincerely,

David Lutness
Secretary

Attachment: California Attorney General’s list of feasible Global Warming Mitigations
The California Environmental Quality Act

Addressing Global Warming Impacts at the Local Agency Level

Under the California Environmental Quality Act (CEQA), local agencies have a very important role to play in California’s fight against global warming— one of the most serious environmental effects facing the State today. Where local agencies undertake projects directly, they can and should design sustainable projects from the start, incorporating global warming related considerations into their projects at the earliest feasible time. Further, local agencies can encourage well-designed, sustainable private projects by analyzing and disclosing to the public the environmental benefits of such projects in any required environmental documents. And where projects as proposed will have significant global warming related effects, local agencies can require feasible changes or alternatives, and impose enforceable, verifiable, feasible mitigation measures to substantially lessen those effects. By the sum of their decisions, local agencies will help to move the State away from “business as usual” and toward a low-carbon future.

This document provides information that may be helpful to local agencies in carrying out their duties under CEQA as they relate to global warming. Included in this document are various measures that may reduce the global warming related impacts of a project. As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees). The measures set forth in this package are examples; the list is not intended to be exhaustive. Moreover, the measures cited may not be appropriate for every project. The decision of whether to approve a project— as proposed or with required changes or mitigation— is for the local agency, exercising its informed judgment in compliance with the law and balancing a variety of public objectives.

The first section of this document lists examples of measures that could be applied to a diverse range of projects where the lead agency determines that the project under consideration will have significant global warming related effects. In general, a given measure should not be considered in isolation, but as part of a larger set of measures that, working together, will reduce greenhouse gas emissions and the effects of global warming.

The second section of this document lists examples of potential greenhouse gas reduction measures in the general plan context. This section is included both to suggest how the measures set forth in the first section could be incorporated into a general plan, as well as to identify measures that are general plan specific. The measures in the second section may also be appropriate for inclusion in larger scale plans, including regional plans (e.g., blueprint plans) and in specific plans. Including these types of measures at the larger planning level, as appropriate, will help to ensure more sustainable project-specific development.

The third section provides links to sources of information on global warming impacts and emission reduction measures. The list is not complete, but may be a helpful start for local agencies seeking more information to carry out their CEQA obligations as they relate to global warming.

The endnotes set forth just some of the many examples of exemplary emission reduction measures already being implemented by local governments and agencies, utility, private industry, and others. As these examples evidence, California at every level of government is taking up the challenge, devising new and innovative solutions, and leading the charge in the fight against global warming.
Comment Letter 58, Cont.

(1) Generally Applicable Measures

Energy Efficiency

• Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.

• Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.

• Install light colored “cool” roofs, cool pavements, and strategically placed shade trees.

• Provide information on energy management services for large energy users.

• Install energy efficient heating and cooling systems, appliances and equipment, and control systems.

• Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.

• Limit the hours of operation of outdoor lighting.

• Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.

• Provide education on energy efficiency.

Renewable Energy

• Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.

• Install solar panels on carports and over parking areas.

• Use combined heat and power in appropriate applications.

Water Conservation and Efficiency

• Create water-efficient landscapes.

• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.

• Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water.

• Design buildings to be water-efficient. Install water-efficient fixtures and appliances.

• Use graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.) For example, install dual plumbing in all new development allowing graywater to be used for landscape irrigation.

• Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.

• Restrict the use of water for cleaning outdoor surfaces and vehicles.

• Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-
site can drastically reduce the need for energy-intensive imported water at the site.)

- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.

- Provide education about water conservation and available programs and incentives.

**Solid Waste Measures**

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).

- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.

- Recover by-product methane to generate electricity.

- Provide education and publicity about reducing waste and available recycling services.

**Land Use Measures**

- Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods.

- Educate the public about the benefits of well-designed, higher density development.

- Incorporate public transit into project design.

- Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.

- Develop “brownfields” and other underused or defunct properties near existing public transportation and jobs.

- Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking.

**Transportation and Motor Vehicles**

- Limit idling time for commercial vehicles, including delivery and construction vehicles.

- Use low or zero-emission vehicles, including construction vehicles.

- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.

- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.

- Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems.

- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
Comment Letter 58, Cont.

- Increase the cost of driving and parking private vehicles by, e.g., imposing tolls and parking fees.
- Institute a low-carbon fuel vehicle incentive program. 14
- Build or fund a transportation center where various public transportation modes intersect.
- Provide shuttle service to public transit.
- Provide public transit incentives such as free or low-cost monthly transit passes.
- Promote “least polluting” ways to connect people and goods to their destinations. 25
- Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.
- Incorporate bicycle-friendly intersections into street design.
- For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking.
- Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points. 26
- Work with the school district to restore or expand school bus services.
- Institute a telecommute work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.
- Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.

Off-Site Mitigation

If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects (e.g., alternative energy projects, or energy or water audits for existing projects) that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase carbon “credits” from another entity that will undertake mitigation.

The topic of offsets can be complicated, and a full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related benefits of the mitigation will be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified.
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the offset.

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(2) General Plan Measures

Global warming measures may be reflected in a general plan as goals, policies, or programs; in land use
designations; or as additional mitigation measures identified during the CEQA review process. Many of the
measures listed above may be appropriate for inclusion in a general plan. In addition, a non-exhaustive list of
measures specific to the general plan context follows. The examples are listed under required general plan
elements. A given example may, however, be appropriate for inclusion in more than one element, or in a
different element than listed. Global warming measures may, alternatively, be included in an optional Climate
Change or Energy element.

Conservation Element

- Climate Action Plan or Policy: Include a comprehensive climate change action plan that
includes: a baseline inventory of greenhouse gas emissions from all sources; greenhouse gas
emissions reduction targets and deadlines; and enforceable greenhouse gas emissions reduction
measures.  
  (Note: If the Climate Action Plan complies with the requirements of Section
15064(h)(3) of the CEQA Guidelines, it may allow for the streamlining of individual projects
that comply with the plan’s requirements.)

- Climate Action Plan Implementation Program: Include mechanisms to ensure regular review of
progress toward the emission reduction targets established by the Climate Action Plan, report
progress to the public and responsible officials, and revise the plan as appropriate, using
principles of adaptive management. Allocate funding to implement the plan. Fund staff to
oversee implementation of the plan.

- Strengthen local building codes for new construction and renovation to require a higher level of
energy efficiency.

- Require that all new government buildings, and all major renovations and additions, meet
identified green building standards.

- Ensure availability of funds to support enforcement of code and permitting requirements.

- Adopt a “Green Building Program” to require or encourage green building practices and
materials. The program could be implemented through, e.g., a set of green building ordinances.

- Require orientation of buildings to maximize passive solar heating during cool seasons, avoid
solar heat gain during hot periods, enhance natural ventilation, and promote effective use of
daylight. Orientation should optimize opportunities for on-site solar generation.

- Provide permitting-related and other incentives for energy efficient building projects, e.g., by
giving green projects priority in plan review, processing and field inspection services.

- Conduct energy efficiency audits of existing buildings by checking, repairing, and readjusting
heating, ventilation, air conditioning, lighting, water heating equipment, insulation and
weatherization. Offer financial incentives for adoption of identified efficiency measures.

- Partner with community services agencies to fund energy efficiency projects, including heating,
ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization,
for low income residents.

- Target local funds, including redevelopment and Community Development Block Grant
resources, to assist affordable housing developers in incorporating energy efficient designs and

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features.

- Provide innovative, low-interest financing for energy efficiency and alternative energy projects. For example, allow property owners to pay for energy efficiency improvements and solar system installation through long-term assessments on individual property tax bills.36

- Fund incentives to encourage the use of energy efficient vehicles, equipment and lighting.37 Provide financial incentives for adoption of identified efficiency measures.

- Require environmentally responsible government purchasing.38 Require or give preference to products that reduce or eliminate indirect greenhouse gas emissions, e.g., by giving preference to recycled products over those made from virgin materials.39

- Require that government contractors take action to minimize greenhouse gas emissions, e.g., by using low or zero-emission vehicles and equipment.

- Adopt a “heat island” mitigation plan that requires cool roofs, cool pavements, and strategically placed shade trees.40 (Darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas 41) Adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building requirements for cool roofs on non-residential buildings.

- Adopt a comprehensive water conservation strategy. The strategy may include, but not be limited to, imposing restrictions on the time of watering, requiring water-efficient irrigation equipment, and requiring new construction to offset demand so that there is no net increase in water use.42 Include enforcement strategies, such as citations for wasting water.43

- Adopt water conservation pricing, e.g., tiered rate structures, to encourage efficient water use.44

- Adopt fees structures that reflect higher costs of services for outlying areas.45

- Adopt water-efficient landscape ordinances.46

- Strengthen local building codes for new construction and implement a program to renovate existing buildings to require a higher level of water efficiency.

- Adopt ordinances requiring energy and water efficiency upgrades as a condition of issuing permits for renovations or additions, and on the sale of residences and buildings.47

- Provide individualized water audits to identify conservation opportunities.48 Provide financial incentives for adopting identified efficiency measures.

- Provide water audits for large landscape accounts. Provide financial incentives for efficient irrigation controls and other efficiency measures.

- Require water efficiency training and certification for irrigation designers and installers, and property managers.49

- Implement or expand city or county-wide recycling and composting programs for residents and businesses. Require commercial and industrial recycling.

- Extend the types of recycling services offered (e.g., to include food and green waste recycling).

- Establish methane recovery in local landfills and wastewater treatment plants to generate electricity.50

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Implement Community Choice Aggregation (CCA) for renewable electricity generation. (CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.)

Preserve existing conservation areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.

Establish a mitigation program for development of conservation areas. Impose mitigation fees on development of such lands and use funds generated to protect existing, or create replacement, conservation areas.

Provide public education and information about options for reducing greenhouse gas emissions through responsible purchasing, conservation, and recycling.

Land Use Element

- Adopt land use designations to carry out policies designed to reduce greenhouse gas emissions, e.g., policies to minimize or reduce vehicle miles traveled, expand development near existing public transportation corridors, encourage alternative modes of transportation, and increase infill, mixed use, and higher density development.
- Identify and facilitate the development of land uses not already present in local districts – such as supermarkets, parks and recreation fields, and schools in neighborhoods; or residential uses in business districts – to reduce vehicle miles traveled and allow bicycling and walking to these destinations.
- Create neighborhood commercial districts.
- Require bike lanes and bicycle/pedestrian paths.
- Prohibit projects that impede bicycle and walking access, e.g., large parking areas that cannot be crossed by non-motorized vehicles, and new residential communities that block through access on existing or potential bicycle and pedestrian routes.
- Site schools to increase the potential for students to walk and bike to school.
- Enact policies to limit or discourage low density development that segregates employment, services, and residential areas.
- Where there are growth boundaries, adopt policies providing certainty for infill development.
- Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.

Circulation Element

- In conjunction with measures that encourage public transit, ride sharing, bicycling and walking, implement circulation improvements that reduce vehicle idling. For example, coordinate controlled intersections so that traffic passes more efficiently through congested areas.
- Create an interconnected transportation system that allows a shift in travel from private...
passenger vehicles to alternative modes, including public transit, ride sharing, car sharing, bicycling and walking. Before funding transportation improvements that increase vehicle miles traveled, consider alternatives such as increasing public transit or improving bicycle or pedestrian travel routes.

- Give funding preference to investment in public transit over investment in infrastructure for private automobile traffic.49
- Include safe and convenient bicycle and pedestrian access in all transportation improvement projects.
- Ensure that non-motorized transportation systems are complete, connected and not interrupted by impassable barriers, such as freeways.50
- Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.50
- Provide adequate and affordable public transportation choices including expanded bus routes and service and other transit choices such as shuttles, light rail, and rail where feasible.
- Assess transportation impact fees on new development in order to maintain and increase public transit service.61
- Provide public transit incentives, including free and reduced fare areas.62
- Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.51 For example, reduce parking for private vehicles while increasing options for alternative transportation; eliminate minimum parking requirements for new buildings; “unbundle” parking (require that parking is paid for separately and is not included in rent for residential or commercial space); and set appropriate pricing for parking.
- Develop school transit plans to substantially reduce automobile trips to, and congestion surrounding, schools. (According to some estimates, parents driving their children to school account for 20-25% of the morning commute.) Plans may address, e.g., necessary infrastructure improvements and potential funding sources; replacing older diesel buses with low or zero-emission vehicles; mitigation fees to expand school bus service; and Safe Routes to School programs64 and other formal efforts to increase walking and biking by students.
- Create financing programs for the purchase or lease of vehicles used in employer ride sharing programs.
- Enter into partnerships to create and expand polluting vehicle buy-back programs to include vehicles with high greenhouse gas emissions.
- Provide public education and information about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; public transit; biking and walking; vehicle performance and efficiency (e.g., keeping tires inflated); low or zero-emission vehicles; and car and ride sharing.
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Housing Element

- Improve the jobs-housing balance and promote a range of affordable housing choices near jobs, services and transit.
- Concentrate mixed use, and medium to higher density residential development in areas near jobs, transit routes, schools, shopping areas and recreation.
- Increase density in single family residential areas located near transit routes or commercial areas. For example, promote duplexes in residential areas and increased height limits of multi-unit buildings on main arterial streets, under specified conditions.
- Encourage transit-oriented developments.
- Impose minimum residential densities in areas designated for transit-oriented, mixed use development to ensure higher density in these areas.
- Designate mixed use areas where housing is one of the required uses.
- In areas designated for mixed use, adopt incentives for the concurrent development of different land uses (e.g., retail with residential).
- Promote infill, mixed use, and higher density development by, for example, reducing developer fees; providing fast-track permit processing; reducing processing fees; funding infrastructure loans; and giving preference for infrastructure improvements in these areas.

Open Space Element

- Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.
- Establish a mitigation program for development of those types of open space that provide carbon sequestration benefits. Require like-kind replacement for, or impose mitigation fees on development of such lands. Use funds generated to protect existing, or create replacement, open space.
- Allow alternative energy projects in areas zoned for open space where consistent with other uses and values.
- Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance, e.g., requiring that trees larger than a specified diameter that are removed to accommodate development must be replaced at a set ratio.
- Connect parks and publicly accessible open space through shared pedestrian/bike paths and trails to encourage walking and bicycling.

Safety Element

- Address expected effects of climate change that may impact public safety, including increased risk of wildfires, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs.
- Adopt programs for the purchase, transfer or extinguishment of development rights in high risk areas.
Comment Letter 58, Cont.

- Monitor the impacts of climate change. Use adaptive management to develop new strategies, and modify existing strategies, to respond to the impacts of climate change.

Energy Element

Many of the goals, policies, or programs set forth above may be contained in an optional energy element. The resources set forth below may be useful to local agencies in developing an energy element or an energy conservation plan.

- The California Public Utilities Commission issued a report entitled California Long Term Energy Efficiency Strategic Plan in September 2008. The report serves as a road map for achieving maximum energy savings across all major groups and sectors in California. Section 12 of the report focuses on the role of local governments as leaders in using energy efficiency to reduce energy use and greenhouse gas emissions. The section includes numerous specific suggestions for local government policies designed to reduce energy use. The report is available at http://www.californiaenergyefficiency.com/index.shtml.


- The California Energy Commission summarizes the energy-related efforts of Humboldt County, City of Pleasanton, City of Pasadena, City and County of San Francisco, the Los Angeles area, City of Chula Vista, the San Diego region, City of San Diego, City and County of San Luis Obispo, and City of Santa Monica, in the 2006 Integrated Energy Policy Report at pp. 82-87, available here: http://www.energy.ca.gov/2006publications/CEC-100-2006-001/CEC-100-2006-001-CMF.PDF.

- In 2006, the Association of Monterey Bay Area Governments published a regional energy plan, available here: http://www.ambag.org/programs/EnergyWatch/regional_plan.html. Part 1 describes the plan’s goals and course of action. Part 2 describes actions that local agencies already have taken and identifies the most cost-effective measures in each sector. The appendices list existing energy programs that may provide support and funding for energy efficiency projects, suggest language for energy-related provisions to be included in general plans, and list and give brief explanations of more than one hundred energy-saving measures.

- The California Local Energy Efficiency Program (CALeep) has available on its website, http://www.caleep.com/default.htm, various resources and documents, including an energy “Workbook.” The Workbook lays out a process for instituting local energy efficiency programs based in part on information developed in six California pilot projects (Inland Empire Utilities Agency, City of Oakland, San Joaquin Valley, Sonoma County, South Bay Cities Council of Governments, and Ventura County Regional Energy Alliance). The Workbook is designed to be used by local officials to initiate, plan, organize, implement, and assess energy efficiency activities at the local and regional level.
(3) **Resources About Global Warming and Local Action**

The following web sites and organizations provide general information about mitigating global warming impacts at the local level. These sites represent only a small fraction of the available resources. Local agencies are encouraged to conduct their own research in order to obtain the most current and relevant materials.

- The U.S. Conference of Mayors’ Climate Protection Agreement contains valuable information for the many local agencies that are joining the fight against global warming. The Agreement is available here: [http://www.coolcites.us/resources/bestPracticeGuides/USM_ClimateActionHB.pdf](http://www.coolcites.us/resources/bestPracticeGuides/USM_ClimateActionHB.pdf). Over one hundred and twenty California cities have joined the “Cool Cities” campaign, which means they have signed the U.S. Mayor’s Climate Protection Agreement and are taking concrete steps toward addressing global warming. These steps include preparing a city-wide greenhouse gas emissions inventory and creating and implementing a local Climate Action Plan. Additional resources, including various cities’ Climate Action Plans, are located at the Cool Cities website: [http://www.coolcites.us/resources.php](http://www.coolcites.us/resources.php).

- In July 2007, Alameda County became one of twelve charter members of the “Cool Counties” initiative. Participating counties sign a Climate Stabilization Declaration, which is available at the website for King County (Washington State): [http://www.metrokc.gov/exec/news/2007/0716dec.aspx](http://www.metrokc.gov/exec/news/2007/0716dec.aspx). Participating counties agree to work with local, state, and federal governments and other leaders to reduce county geographical greenhouse gas emissions to 80% below current levels by 2050 by developing a greenhouse gas emissions inventory and regional reduction plan. Current member counties are recruiting new members and are committed to sharing information. Cool Counties contact information is available at: [http://www.kingcounty.gov/exec/coolcounties](http://www.kingcounty.gov/exec/coolcounties).

- Local Governments for Sustainability, a program of International Cities for Local Environmental Initiatives (ICLEI), has initiated a campaign called Cities for Climate Protection (CCP). The membership program is designed to empower local governments worldwide to take action on climate change. Many California cities have joined ICLEI. More information is available at the organization’s website: [http://www.iclei.org/](http://www.iclei.org/).

- The Institute for Local Government (ILG), an affiliate of the California State Association of Counties and the League of California Cities, has instituted a program called the California Climate Action Network (CaliforniaCAN!). The program provides information about the latest climate action resources and case studies. More information is available at the CaliforniaCAN! website: [http://www.ca-cities.org/index.jsp?displayType=&section=Climate&zone=ilsg](http://www.ca-cities.org/index.jsp?displayType=&section=Climate&zone=ilsg). ILG’s detailed list of climate change “best practices” for local agencies is available at [http://www.ca-cities.org/index.jsp?displayType=&section=climate&zone=ilsg&sub_sec=climate_local](http://www.ca-cities.org/index.jsp?displayType=&section=climate&zone=ilsg&sub_sec=climate_local).

ILG maintains a list of local agencies that have adopted Climate Action Plans. The list is available here: [http://www.ca-cities.org/index.jsp?zone=ilsg&previewStory=27035](http://www.ca-cities.org/index.jsp?zone=ilsg&previewStory=27035). According to ILG, the list includes Marin County and the cities of Arcata, Berkeley, Los Angeles, Palo Alto, San Diego, and San Francisco. Many additional local governments are in the process of conducting greenhouse gas inventories.

- The non-profit group Natural Capitalism Solutions (NCS) has developed an on-line Climate
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- The Local Government Commission provides many planning-related resources for local agencies at its website: http://www.lgc.org/.

In cooperation with U.S. EPA, LGC has produced a booklet discussing the benefits of density and providing case studies of well-designed, higher density projects throughout the nation. Creating Great Neighborhoods: Density in Your Community (2003) is available here: http://www.lgc.org/freepub/PDF/Land_Use/reports/density_manual.pdf.

- The Pew Center on Global Climate Change was established in 1998 as a non-profit, non-partisan and independent organization. The Center’s mission is to provide credible information, straight answers, and innovative solutions in the effort to address global climate change. See http://www.pewclimate.org. The Pew Center has published a series of reports called Climate Change 101. These reports provide a reliable and understandable introduction to climate change. They cover climate science and impacts, technological solutions, business solutions, international action, recent action in the U.S. states, and action taken by local governments. The Climate Change 101 reports are available at http://www.pewclimate.org/global-warming-basics/climate_change_101.

- The Climate Group, www.theclimatetgroup.org, is a non-profit organization founded by a group of companies, governments and activists to “accelerate international action on global warming with a new, strong focus on practical solutions.” Its website contains a searchable database of about fifty case studies of actions that private companies, local and state governments, and the United Kingdom, have taken to reduce GHG emissions. Case studies include examples from California. The database, which can be searched by topic, is available at http://theclimatetgroup.org/index.php/reducing_emissions/case_studies.

- The Bay Area Climate Solutions Database features over 130 climate-related projects, programs and policies in the San Francisco Bay Area that are being undertaken by businesses, public agencies, non-government organizations, and concerned individuals. The database is available at http://www.bayareaclimate.org/services.html.

- U.S. EPA maintains a list of examples of codes that support “smart growth” development, available here: http://www.epa.gov/piedpage/codeexamples.htm. Examples include transit-oriented development in Pleasant Hill and Palo Alto, rowhouse design guidelines from Mountain View, and street design standards from San Diego.

- In November 2007, U.S. EPA issued a report entitled “Measuring the Air Quality and Transportation Impacts of Infill Development.” This report summarizes three regional infill development scenarios in Denver, Colorado; Boston, Massachusetts; and Charlotte, North Carolina. The analysis shows how standard transportation forecasting models currently used by metropolitan planning organizations can be modified to capture at least some of the transportation and air quality benefits of brownfield and infill development. In all scenarios, more compact and transit oriented development was projected to substantially reduce vehicle miles traveled. As the agency found, “The results of this analysis suggest that strong support for infill development can be one of the most effective transportation and emission-reduction investments a region can pursue.” The report is available at

- The Urban Land Institute (ULI) is a nonprofit research and education organization providing leadership in responsible land use and sustainability. In 2007, ULI produced a report entitled, “Growing Cooler: The Evidence on Urban Development and Climate Change,” which reviews existing research on the relationship between urban development, travel, and greenhouse gases emitted by motor vehicles. It further discusses the emissions reductions that can be expected from compact development and how to make compact development happen. “Growing Cooler” is available at http://www.smartgrowthamerica.org/gcindex.html.

- The California Department of Housing and Community Development, http://www.hcd.ca.gov/, has many useful resources on its website related to housing policy and housing elements and specific recommendations for creating higher density and affordable communities. See http://www.hcd.ca.gov/hpd/hrc/plan/he/.

- The California Transportation Commission (CTC) recently made recommendations for changes to regional transportation guidelines to address climate change issues. Among other things, the CTC recommends various policies, strategies and performance standards that a regional transportation agency should consider including in a greenhouse reduction plan. These or analogous measures could be included in other types of planning documents or local climate action plans. The recommendation document, and Attachment A, entitled Smart Growth/Land Use Regional Transportation Plan Guidelines Amendments, are located at http://www.dot.ca.gov/hq/transprog/ctcbooks/2008/0108/12_44.pdf.

- The California Energy Commission’s Research Development and Demonstration (RD&D) Division supports energy research, development and demonstration projects designed to bring environmentally safe, affordable and reliable energy services and products to the marketplace. On its website, http://www.energy.ca.gov/research/reports_rubs.html, RD&D makes available a number of reports and papers related to energy efficiency, alternative energy, and climate change.

- The Governor’s Office of Planning and Research (OPR) provides valuable resources for lead agencies related to CEQA and global warming at http://opr.ca.gov/index.php?a=ceqa/index.html. Among the materials available are a list of environmental documents addressing climate change and greenhouse gas emissions and a list of local plans and policies addressing climate change. In addition, OPRs’ The California Planners’ Book of Lists 2008, which includes the results of surveys of local agencies on matters related to global warming, is available at http://www.opr.ca.gov/index.php?a=planning/publications.html#pubs-C.

- The California Air Pollution Control Officers Association has prepared a white paper entitled “CEQA and Climate Change” (January 2008). The document includes a list of mitigation measures and information about their relative efficacy and cost. The document is available at http://www.caapa.org/ceqa/?docID=ceqa.

- The Attorney General’s global warming website includes a section on CEQA. See http://ag.ca.gov/globalwarming/ceqa.php. The site includes all of the Attorney General’s public comment letters that address CEQA and global warming.
Endnotes

1. Energy efficiency leads the mitigation list because it promises significant greenhouse gas reductions through measures that are cost-effective for the individual residential and commercial energy consumer.


3. For more information, see Lawrence Berkeley National Laboratories, Heat Island Group at http://eetd.lbl.gov/HeatIsland/.


5. Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that certifies energy efficient products and provides guidelines for energy efficient practices for homes and businesses. More information about Energy Star-certified products is available at http://www.energystar.gov/. The Electronic Product Environmental Assessment Tool (EPEAT) is a system that ranks computer products based on their conformance to a set of environmental criteria, including energy efficiency. More information about EPEAT is available at http://www.epeat.net/AboutEPEAT.aspx.

6. LED lighting is substantially more energy efficient than conventional lighting and can save money. See http://www.energy.ca.gov/efficiency/partnership/case_studies/techAssitCity.pdf (noting that installing LED traffic signals saved the City of Westlake about $34,000 per year). As of 2005, only about a quarter of California’s cities and counties were using 100% LEDs in traffic signals. See California Energy Commission (CEC), Light Emitting Diode Traffic Signal Survey (2005) at p. 15, available at http://www.energy.ca.gov/2005publications/CEC-400-2005-003/CEC-400-2005-003.PDF. The CEC’s Energy Partnership Program can help local governments take advantage of energy saving technology, including, but not limited to, LED traffic signals. See http://www.energy.ca.gov/efficiency/partnership/.


8. Many cities and counties provide energy efficiency education. See, for example, the City of Stockton’s Energy Efficiency website at http://www.stocktongov.com/energyaving/index.cfm. See also “Green

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County San Bernardino," http://www.greencountysb.com/ at pp. 4-6. Private projects may also provide education. For example, a homeowners’ association could provide information and energy audits to its members on a regular basis.


10. For example, Alameda County has installed two solar tracking carports, each generating 250 kilowatts. By 2005, the County had installed eight photovoltaic systems totaling over 2.3 megawatts. The County is able to meet 6 percent of its electricity needs through solar power. See http://www.acgov.org/psa/Alameda%20County%20-%20Solar%20Case%20Study.pdf.

11. Many commercial, industrial, and campus-type facilities (such as hospitals, universities and prisons) use fuel to produce steam and heat for their own operations and processes. Unless captured, much of this heat is wasted. Combined heat and power (CHP) captures waste heat and re-uses it, e.g., for residential or commercial space heating or to generate electricity. See U.S. EPA, Catalog of CHP Technologies at http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf. The average efficiency of fossil-fueled power plants in the United States is 33 percent. By using waste heat recovery technology, CHP systems typically achieve total system efficiencies of 60 to 80 percent. CHP can also substantially reduce emissions of carbon dioxide. http://www.epa.gov/chp/basic/efficiency.html. Currently, CHP in California has a capacity of over 9 million kilowatts. See list of California CHP facilities at http://www.eea-inc.com/chpdata/States/CA.html.

12. The California Energy Commission has found that the State’s water-related energy use – which includes the conveyance, storage, treatment, distribution, wastewater collection, treatment, and discharge – consumes about 19 percent of the State’s electricity, 30 percent of its natural gas, and 88 billion gallons of diesel fuel every year. See http://www.energy.ca.gov/2007publications/CEC-999-2007-008/CEC-999-2007-008.PDF. Accordingly, reducing water use and improving water efficiency can help reduce energy use and associated greenhouse gas emissions.


24. The County of Los Angeles has instituted an alternative fuel vehicle purchasing program open to County employees, retirees, family members, and contractors and subcontractors. See [http://www.lacounty.gov/YPSP.htm](http://www.lacounty.gov/YPSP.htm).

25. Promoting “least polluting” methods of moving people and goods is part of a larger, integrated “sustainable streets” strategy now being explored at U.C. Davis’s Sustainable Transportation Center. Resources and links are available at the Center’s website. See [http://stc.ucdavis.edu/outreach/sst.php](http://stc.ucdavis.edu/outreach/sst.php).

26. See, for example, Marin County’s Safe Routes to Schools program at [http://www.saferoutestoschools.org](http://www.saferoutestoschools.org); see also California Center for Physical Activity’s California Walk to School website at [http://www.cawalktoschool.com](http://www.cawalktoboolschool.com).

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28. The Conservation Element addresses the conservation, development, and use of natural resources including water, forests, soils, rivers, and mineral deposits. Measures proposed for the Conservation Element may alternatively be appropriate for other elements. In practice, there may be substantial overlap in the global warming mitigation measures appropriate for the Conservation and Open Space Elements.


32. During 2007 and 2008, an unprecedented number of communities across the State adopted green building requirements in order to increase energy efficiency and decrease greenhouse gas emissions and other environmental impacts within their jurisdictions. The California Attorney General’s office has prepared a document that identifies common features of recent green building ordinances and various approaches that cities and counties have taken. The document is available at http://ag.ca.gov/globalwarming/greenbuilding.php.


34. For example, Riverside Public Utilities offers free comprehensive energy audits to its business customers. See http://www.riversideca.gov/utilities/busi-technicalassistance.asp.

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35. Under Southern California Gas Company’s Energy Efficiency Program for Commercial/Industrial Large Business Customers, participants are eligible to receive an incentive based on 50% of the equipment cost, or $0.50 per therm saved, whichever is lower, up to a maximum amount of $1,000,000 per customer, per year. Eligible projects require an energy savings of at least 200,000 therms per year. See http://www.socalgas.com/business/rebates.

36. The City of Berkeley is in the process of instituting a “Sustainable Energy Financing District.” According to the City, “The financing mechanism is loosely based on existing ‘underground utility districts’ where the City serves as the financing agent for a neighborhood when they move utility poles and wires underground. In this case, individual property owners would contract directly with qualified private solar installers and contractors for energy efficiency and solar projects on their building. The City provides the funding for the project from a bond or loan fund that it repays through assessments on participating property owners’ tax bills for 20 years.” See http://www.cityofberkeley.info/Mayor/PR/pressreleases2007-1023.htm.


37. As described in its Climate Action Plan, the City of San Francisco uses a combination of incentives and technical assistance to reduce lighting energy use in small businesses such as grocery stores, small retail outlets, and restaurants. The program offers free energy audits and coordinated lighting retrofit installation. In addition, the City offers residents the opportunity to turn in their incandescent lamps for coupons to buy fluorescent units. See San Francisco’s Climate Action Plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf.

38. Among other strategies for reducing its greenhouse gas emissions, Yolo County is considering a purchasing policy that mandates all purchases of electrical equipment meet or exceed the PG&E Energy Star rating. This would require departments to purchase improved efficiency refrigerators, microwaves and related appliances that have greater power efficiencies and less GHG impacts. See http://www.yolocounty.org/Default.aspx?page=878.


40. Some local agencies have implemented a cool surfaces programs in conjunction with measures to address storm water runoff and water quality. See, for example, The City of Irvine’s Sustainable Travelways/Green Streets program at http://www.cityofirvine.org/depts/redevelopment/sustainable_travelways.asp; The City of Los Angeles’s Green Streets LA program at http://water.lgc.org/water-workshops/la-workshop/Green_Streets_Daniels.pdf/view; see also The

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42. For example, the City of Lompoc has a policy to “require new development to offset new water demand with savings from existing water users, as long as savings are available.” See [http://www.ci.lompoc.ca.us/departments/comdev/pdf07/RESRCMGMT.pdf](http://www.ci.lompoc.ca.us/departments/comdev/pdf07/RESRCMGMT.pdf).

43. The Eastern Municipal Water District imposes fines on all customers, including residential customers, for excessive runoff. See Water Use Efficiency Ordinance 72.23, available at [http://www.emwd.org/usewaterwisely](http://www.emwd.org/usewaterwisely).

44. The Irvine Ranch Water District in Southern California, for example, uses a five-tiered rate structure that rewards conservation. The water district has a baseline charge for necessary water use. Water use that exceeds the baseline amount costs incrementally more money. While “low volume” water use costs $0.082 per hundred cubic feet (ccf), “wasteful” water use costs $7.84 per ccf. See [http://www.irwd.com/AboutIRWD/mtes_residential.php](http://www.irwd.com/AboutIRWD/mtes_residential.php). Marin County has included tiered billing rates as part of its general plan program to conserve water. See Marin County Countywide Plan, page 3-204, PFS-2.q, available at [http://www.co.marin.ca.us/depts/CD/main/fm/cwp/docs/CWP_CD2.pdf](http://www.co.marin.ca.us/depts/CD/main/fm/cwp/docs/CWP_CD2.pdf).


50. For example, San Diego’s Metropolitan Wastewater Department (SDMWD) installed eight digesters at one of its wastewater treatment plants. Digesters use heat and bacteria to break down the organic solids removed from the wastewater to create methane, which can be captured and used for energy. The methane generated by SDMWD’s digesters runs two engines that supply enough energy for all of the

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plant’s needs, and the plant sells the extra energy to the local grid. See http://www.sandiego.gov/mwwd/facilities/pltoma.shtml. In addition, the California Air Resources Board approved the Landfill Methane Capture Strategy as an early action measure. http://www.arb.ca.gov/cc/cces/landfills/landfills.htm. Numerous landfills in California, such as the Puente Hills Landfill in Los Angeles County (http://www.laodc.org/about/solid_waste_facilities/puente_hills/clean_fuels_program.aspx), the Scholl Canyon Landfill in the City of Glendale (http://www.glendalewaterandpower.com/the_environment/renewable_energy_development.aspx), and the Yolo Landfill in Yolo County, are using captured methane to generate power and reduce the need for other more carbon-intensive energy sources.


52. The Land Use Element designates the type, intensity, and general distribution of uses of land for housing, business, industry, open-space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses.

53. The Center for Physical Activity within the California Department of Public Health supports school siting and joint use policies and practices that encourage kids to walk and bike to school; discourage car trips that cause air pollution and damage the environment; and position schools as neighborhood centers that offer residents recreational, civic, social, and health services easily accessible by walking or biking. The Center offers school siting resources on its website at http://www.caphysicalactivity.org/school_siting.html#resources.


56. The Circulation Element works with the Land Use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.

57. See Orange County Transportation Authority, Signal Synchronization at http://www.octa.net/signals.aspx. Measures such as signal synchronization that improve traffic flow

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must be paired with other measures that encourage public transit, bicycling and walking so that improved flow does not merely encourage additional use of private vehicles.

58. San Francisco’s “Transit First” Policy is listed in its Climate Action Plan, available at http://www.sfenvironment.org/downloads/library/climateactionplan.pdf. The City's policy gives priority to public transit investments and provides public transit street capacity and discourages increases in automobile traffic. This policy has resulted in increased transit service to meet the needs generated by new development.

59. The City of La Mesa has a Sidewalk Master Plan and an associated map that the City uses to prioritize funding. As the City states, “The most important concept for sidewalks is connectivity. For people to want to use a sidewalk, it must conveniently connect them to their intended destination.” See http://www.ci.la-mesa.ca.us/index.asp?NID=699. See also Toolkit for Improving Walkability in Alameda County, available at http://www.acta2002.com/ped-toolkit/ped_toolkit_print.pdf, Centers of Disease Control and Prevention website (list of walkability-related resources) at http://www.cdc.gov/nccdphp/dnpa/hwi/toolkits/walkability/references.htm.


62. For example, Seattle, Washington maintains a public transportation “ride free” zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare.


65. The Housing Element assesses current and projected housing needs. In addition, it sets policies for providing adequate housing and includes action programs for that purpose.

66. The U.S. Conference of Mayors cites Sacramento’s Transit Village Redevelopment as a model of transit-oriented development. More information about this project is available at http://www.cityofsacramento.org/planning/projects/65th-street-village/. The Metropolitan Transportation Commission (MTC) has developed policies and funding programs to foster transit-
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68. The Open Space Element details plans and measures for preserving open space for natural resources, the managed production of resources, outdoor recreation, public health and safety, and the identification of agricultural land. As discussed previously in these Endnotes, there may be substantial overlap in the measures appropriate for the Conservation and Open Space Elements.

69. The Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.
Comment Letter 58. Santa Clarita Organization for Planning and the Environment, David Lutness (July 23, 2009)

Response 58 A.

Thank you for your comment. Commentor describes its organization, notes that the Project is outside of the immediate area of Commentor's focus (Santa Clarita Valley), and states that cumulative impacts relating to traffic, global warming, and water availability. These comments are introductory in nature and are amplified by subsequent specific comments; substantive responses to the topics raised by Commentor are provided in response to the corresponding substantive comments that follow.

Response 58 B.

Commentor urges the County to provide adequate time for the public to review the Draft EIR. Please refer to Response to Comment 25-C and Response to Comment 59, regarding the time provided for public comment.

Response 58 C.

Commentor notes that that Project is located in a rural area without a jobs base and will substantially impact the adjacent communities of Santa Clarita and Bakersfield, where residents are likely to commute to jobs. Commentor is correct in stating that the Project will create jobs, and that some employees will likely live in Bakersfield and Santa Clarita. This comment is introductory in nature and Commentor goes on to describe specific impacts of concern; substantive responses to these substantive comments follow.

Response 58 D.

Commentor states that the Project will have impacts on the communities of Santa Clarita and Bakersfield, where residents will likely commute for employment. Commentor notes that both Santa Clarita and Bakersfield are in non-attainment areas for ozone. Commentor requests that the impacts of the commutes generated by the Project on air quality in these areas be analyzed and quantified.

Bakersfield is located approximately 40 miles north of the Project site and is within Kern County and the San Joaquin Valley Air Basin (SJVAB); Santa Clarita is located approximately 40 miles south of the Project site and is within Los Angeles County and the South Coast Air Basin (SCAB). Commentor is correct that both the SJVAB and the SCAB are in nonattainment for ozone for both national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS). The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Regarding the effect of the Project on commutes to Bakersfield and Santa Clarita, please refer to the Response to Comment 24-S3. The Draft EIR's operational emissions analysis conservatively accounts for residents commuting from the Project site to cities such as Bakersfield, Santa Clarita and Los Angeles, notwithstanding the fact the Project is planned as a mountain resort community, and many homes will not be occupied on a full-time basis. The criteria pollutant and greenhouse gas (GHG) emissions associated with these commutes are reflected in the analysis in Section 4.3, AIR QUALITY AND CLIMATE CHANGE. See Draft EIR at 4.3-84, 4.3-120; see also Draft EIR, Appendix D-4, page 5; Appendix D-9, page 22.
Response 58 E.

Commentor notes that Santa Clarita and Bakersfield must comply with Federal air quality standards in order to obtain transportation funding, and states that the EIR should explain how its air quality impacts would affect the ability of these communities to comply with their SIP.

Commentor refers to the transportation conformity requirements under the Federal Clean Air Act (CAA). As explained in the Draft EIR, air quality conformity refers to the process whereby transportation plans, programs and projects are shown to conform to the requirements of the 1990 Federal Clean Air Act Amendments (CAAA) and the applicable state implementation plan (SIP). See Draft EIR at 4.3-159 to 4.3-160. A SIP is not a single document, but is a compilation of new and previously submitted plans, programs, district rules, state regulations, and federal controls, that detail how NAAQS will be achieved. For purposes of a conformity analysis, the transportation action is analyzed for consistency with the relevant air quality management plans (AQMPs) prepared by the applicable air quality district.

Section 176(c) of the CAA prohibits federal agencies from approving or funding any transportation plan, program or project that does not conform to the approved SIP. Metropolitan planning organizations (MPOs) must demonstrate conformity with both long range transportation plans and shorter-term transportation improvement plans in order to receive federal funding for their plans. Thus, a failure to demonstrate conformity results in a failure to receive federal funding for transportation improvements.

As explained in the Draft EIR, the Kern Council of Governments (Kern COG), which is the MPO for the Kern Region, adopted the “Final Conformity Analysis for the 2007 Federal Transportation Improvement Program, Amendment 6 and the 2007 RTP” in October, 2007, which was affirmed by the FHWA and the Federal Transit Administration (FTA) on December 12, 2007. See Draft EIR at 4.3-161. The Kern COG transportation plans, therefore, conform to the applicable AQMPs.

Similarly, the 2008 Regional Transportation Plan (RTP) prepared by the Southern California Association of Governments (SCAG), which is the MPO for the area covered by the SCAB, was found to conform to the emission budgets contained in the 2007 South Coast AQMP and Antelope Valley AQMP in June 2008.

The proposed Project does not represent a transportation plan and is not, itself subject to the CAA's conformity requirements. (Nor is the Project subject to the CAA's general conformity requirements that apply to projects seeking federal approvals that would directly or indirectly result in air quality emissions.) However, because the proposed Project has implications for the region's ability to demonstrate conformity, the Draft EIR includes a detailed analysis of the Project's consistency with Kern COG and SCAG's conformity analyses and, therefore, with the underlying AQMPs. Draft EIR at 4.3-158 to 4.3-168.

With respect to the Kern COG conformity analysis, the Draft EIR concludes that the Project would not exceed the Kern COG's regional projections for housing, but would exceed the employment projections by approximately 20%. Draft EIR at 4.3-167. However, as explained in the Draft EIR, two critical factors affect this analysis. First, Kern COG's growth projections are not distributed within the Mountain Community region in the same manner anticipated by adopted specific plans, and do not accurately reflect the scarcity of buildable land in the region. If growth projections were more accurately distributed in the region, the Project would be consistent with them. Draft EIR at 4.3-166 to 4.3-167.

Moreover, the Project applicant has entered a Voluntary Emissions Reduction Agreement (VERA) that commits the Project to fully offset its NOx, ROG and PM emissions within the SJVAB. Consistency with
the growth projections in an MPO's conformity analysis is intended as a measure of a project's ability to fit within the transportation emission budgets set by the relevant AQMP. Because the Project will fully offset its emissions of ozone precursors (NOx and ROG) and PM, the Project will result in fewer emissions than would otherwise be associated with the growth projected in Kern COG's conformity analysis. As discussed in Impact 4.3-1, the SJVAPCD's AQMPs provide that the emission reductions achieved by VERAs ensure consistency with them. Thus, the proposed Project is not expected to adversely affect the ability of Kern COG to demonstrate conformity to the SIP.

As explained in the Draft EIR, the traffic study for the Tejon Mountain Village projects that 161,470 trips would cross the Los Angeles/Kern County border as a result of the Project, while SCAG's RTP projects 160,451 trips crossing this border. Draft EIR at 4.3-168. This represents less than a 1% exceedance of SCAG's projections. Moreover, as explained in the Response to Comment 58-D, above, the traffic projections for the proposed Project conservatively assume full-time occupancy of the Project, and do not reflect its resort nature. Actual trips – and associated emissions – resulting from the Project are expected to be considerably lower. In addition, the Draft EIR includes Mitigation Measure 4.3-18, which commits the Project to reducing its GHG emissions by at least 29% below business as usual (for a definition of "business as usual," please refer to Global Response 7.5.2, Climate Change). Necessary reductions are expected to result from onsite improvements, as well as actions that will lower the trips associated with the Project, such as transit improvements and telecommuting options. Given the small increase in projected trips from the Project in comparison to SCAG's projections, the conservative nature of the traffic analysis conducted for the Project, and the transportation improvements expected to be implemented by the Project applicant, the proposed Project is not expected to adversely affect the ability of SCAG to demonstrate conformity to the SIP.

Response 58 F.

Commentor states that the EIR should also explain how a failure to comply with the SIP would affect Santa Clarita and Bakersfield's ability to obtain future transportation funding. As explained in the Response to Comment 58-E, above, inability to demonstrate conformity to a SIP can result in withholding of federal transportation funding. However, the Project is not expected to adversely affect either Kern COG's or SCAG's ability to demonstrate conformity.

Response 58 G.

Commentor states that I-5 is constrained within the Santa Clarita Valley through the Newhall Pass, that the Project will add traffic to this corridor, and that the DEIR should analyze the amount of traffic that would move through Newhall Pass and be required to mitigate its share of traffic mitigation measures in this location. This comment accurately notes that Project traffic will impact I-5 in the Newhall Pass area. The Draft EIR analyzed this impact (see, e.g., Table 4.15-13 which identifies the Calgrove interchange area within the Newhall pass as impacted by the Project). The TIS and Revised TIS likewise include an analysis of the additional Project-related traffic added to this I-5 corridor. Mitigation for this and other distant regional interstate segments is not feasible at a Project-level, for reasons explained further in Response to Comment 8a-H. There are several mitigation measures that address transit, as well as Traffic Demand Management Program requirements that will help manage and reduce Project traffic impacts and thus also help mitigate Project-related cumulative impacts; these Mitigation Measures are summarized in Response to Comment 24-V4. Commentor's opinion that the Project should be required to contribute its fair share to traffic mitigation in Newhall Pass is noted for the record and will be forwarded to the Planning Commission and Board of Supervisors.
Response 58 H.

Commentor notes that the Draft EIR states that the Project is in a non-attainment area for ozone. Commentor states that Project approval will require a statement of overriding consideration, and that such a decision cannot be made unless all feasible mitigation is included. Commentor believes that the Draft EIR fails to adopt feasible mitigation measures and notes that a list of potential mitigation measures suggested by the California Attorney General is attached to the comment letter.

Commentor is correct that the Project is within a non-attainment area for ozone for both NAAQS and CAAQS. Commentor is also correct that the Draft EIR concludes the Project's air quality impacts with respect to ozone precursors will be significant and unavoidable, and that Project approval will require a determination that the Project's benefits outweigh its adverse environmental impacts, and a statement of overriding consideration. CEQA Guidelines § 15093. Commentor is also correct that a determination that a project's impacts are significant requires adoption of all feasible mitigation that is within the lead agency's jurisdiction. See CEQA Guidelines § 15091.

Please refer to the Response to Comment 24-K3. The Draft EIR includes all feasible mitigation measures in compliance with CEQA.

The Commentor's attached list of mitigation measures is discussed in the responses below.

Response 58 I.

Commentor questions whether traffic will become an impediment to obtaining emergency public services as a result of the proposed Project.

Existing and anticipated fire and emergency medical response capabilities were evaluated in the proposed Project’s Fire Protection Plan (FPP) (Draft EIR, Appendix D of the Tejon Mountain Village Specific and Community Plan and Special Planning District), which provides an analysis of the estimated call volume and overall impact the proposed Project may have on the response capability of existing Kern County Fire Department (KCFD) stations. Efforts to minimize the demand on fire and emergency services are outlined in the FPP and include the responsibility of the Project to participate in the reconstruction of KCFD Fire Station 56 in Lebec by providing 50% of the costs to reconstruct the station, provide a ladder truck, and dedicate the land needed for the station. Furthermore, the proposed Project will provide funding and the land for a new fire station at Dry Fields (located at about the midpoint of the Project’s buildout), which will also include a Type I Fire Engine and a Type III Wildland Fire Engine. There will also be land dedicated in the southwestern portion of the property for an eventual third fire station. In addition, there will be designated helicopter staging areas and improved deployment of air resources throughout the area. The Project will also provide funding for emergency communications towers and equipment to provide adequate radio coverage for fire and police. Additionally, it is expected that the structures within Tejon Mountain Village will require fewer KCFD resources based on the requirements described in the FPP, including ignition-resistive construction, interior sprinklers, fire protection systems, preplanning, and customized fuel modification/vegetation management. Based on these Project features and planned additional public emergency facilities, equipment, and personnel, emergency response capabilities for the proposed Project, including the proposed 3,450 residential units and hotel facilities, and surrounding area will be improved from the current status.

Response 58 J.

Commentor notes that the Draft EIR discloses that the Project area is in a very high fire hazard zone and comments that the local community cannot provide fire service for an increase to 3,450 units and a large
hotel. In addition, SCOPE comments that the Draft EIR should discuss the impact of the proposed Project’s added traffic on the ability to provide emergency medical and fire service to this area.

It is accurate that portions of the Project area are designated as being subject to a "very high" hazard designation by the California Department of Forestry and Fire Protection, but other portions of the Project area are categorized as either "moderate" or "high", and the majority of the Project area is not designated at all. Please see Response to Comment 58-I, above. In summary, the proposed Project will include additional fire-fighting resources that will not only respond to the Tejon Mountain Village community, but that will be available to respond to emergencies in the surrounding area.

**Response 58 K.**

Commentor states that the Project includes a requested change from the County's zoning regulations to permit higher densities in a geologically unstable area.

Commentor is correct that the proposed Project would involve an amendment to the Kern County zoning code that would include adoption of Tejon Mountain Village Special Plan No. 1, Map 256, which would permit development in some areas of the Project site at densities that are higher than currently permitted. Section 4.6, GEOLOGY AND SOILS, of the Draft EIR analyzes that geologic hazards exist at the Project site and analyzes them in detail. The geologic hazards identified at the Project are widespread and commonly addressed in major housing projects throughout California. The Draft EIR provides a series of Mitigation Measures (4.6-1 through 4.6-27) designed to reduce impacts from the geologic hazards to less-than significant levels.

In addition, it should be noted that Tejon Mountain Village Special Plan No. 1, Map 256 includes a zone code classification of a Geologic and Soils (GS) Combining District. The purpose of the GS Combining District is to protect the public's health and safety and minimize property damage by designating areas that are subject to or potentially subject to surface faulting, ground shaking, ground failure, landslides, mudslides, or other geologic hazards and establishing reasonable restrictions on land use in these areas. Requirements applicable to the GS Combining District are in addition to the requirements of the underlying base district with which the GS Combining District is combined. All currently-identified fault buffer zones – both active and potential – are included in the proposed GS Combining District. Please refer to page 4.6-23 of the Draft EIR for further discussion of the safety requirements for the GS Combining District.

**Response 58 L.**

SCOPE comments that a proposal to change Kern County’s zoning regulations to grant higher density is of special concern in an outlying area where SCOPE states adequate emergency medical response cannot be provided by the local community and will be impeded by distance and traffic. SCOPE requests clarification of how these services will be provided to such a large additional population in a currently rural area.

Please see Responses to Comments 58-I and 58-J, above.

**Response 58 M.**

Commentor notes that on pages 4.3-201 through 4.3-204 of the Draft EIR, various mitigation measures are discussed, and states its opinion that these measures should be "required" rather than "encouraged." Commentor states that encouragement is not a sufficient mitigation measure, and believes that these
mitigation measures should be required as a condition of approval and added to the Draft EIR's list of mitigation measures with a designated agency to provide oversight for their implementation.

This comment refers to the Draft EIR's "Feasible and Reasonable Mitigation Analysis." Draft EIR at 4.3-190 to 4.3-208. Specifically, commentor refers to the analysis of energy efficiency and renewable energy measures.

Commentor is correct that many of the measures discussed are not required to be included in the Project. Rather, the Project has committed to overall energy efficiency of at least 25% below 2008 Title 24 standards, and identifies a variety of measures that can be utilized to achieve this commitment. Please refer to the Response to Comment 24-O3, above. It is anticipated that many, and likely most, of these measures would be required to meet the 25% performance standard. However, not all measures are appropriate for all types of Project activities and structures; additionally, technological advances may create additional appropriate measures. Mandating a performance standard for mitigation, and identifying a non-exclusive list of feasible mitigation measures by which such mitigation will be achieved, complies with CEQA's mitigation requirements.

Response 58 N.

Commentor states that the Draft EIR does not adopt all feasible mitigation measures for climate change impacts, and notes that a list of potential mitigation measures suggested by the California Attorney General is attached to the comment letter. Commentor requests that these measures be included in the Project's mitigation measure requirements as conditions of approval.

Please refer to the Response to Comment 24-D4 and Global Response 7.5.2, Climate Change regarding the GHG mitigation approach of the Draft EIR. The Project complies with all mitigation requirements of CEQA.

The Commentor's attached list of mitigation measures is discussed in the responses below.

Response 58 O.

This comment suggests that California water supplies are becoming scarce due to factors such as "probable" global warming effects on snowpack, and that it would be "foolhardy" to base supply for "a new town" "entirely" on the state water project (SWP).

The Project’s water supply assessment (WSA) and Draft EIR incorporate the most current and conservative climate change scenario published by the California Department of Water Resources (DWR) in the SWP reliability report. This scenario includes the possibly that snowmelt flowing into the SWP reservoirs will be reduced in the future. The report analyzed four climate change scenarios compared the delivery reliability impacts that would occur in each case during average, single dry and multiple drought year conditions. The results of this analysis are summarized in Table 10 of the Project’s Water Supply Assessment (WSA) and included in the Draft EIR analysis. The “Geophysical Fluid Dynamic Lab Model, Emissions Scenario B1” (GFDL-B1) projection is the most conservative projection identified in the current SWP reliability report (see WSA, Table 10). The GFDL-B1 scenario was incorporated into the Project WSA and draft EIR to provide the most conservative assessment of potential climate change impacts that may affect Project water supplies. As discussed in the WSA and Draft EIR, the Tejon Castac Water District (TCWD) analyzes the District’s ability to serve the Project as required by Secton 10910 of the California Water Code and the California Environmental Quality Act (CEQA) utilizing three (3) water supplies: (1) tertiary-treated recycled water produced by the Project’s wastewater treatment plant; (2) water recovered during dry years from the Tejon Castac Water District (TCWD) water banking facilities.
The WSA and Draft EIR analysis shows that TCWD will be able to meet all of the District’s needs, including Project demands, utilizing the three water supplies discussed above. The Project’s water supplies are not limited to the SWP. It should be noted that, as discussed in the Draft EIR and WSA Section 5, the Project and TCWD have rights to use local and other groundwater supplies. Due to concerns expressed by Mountain Community residents regarding the groundwater aquifers that serve their communities, The WSA and Draft EIR do not rely on groundwater resources and avoid any Project impacts to local or other aquifers. The proposed Project is a low-density, rural, recreational-oriented community and not a “new town” within the meaning of the California Environmental Quality Act (CEQA) or any other applicable legal standard.

Response 58 P.

This comment suggests that Draft EIR “understates” demand and “overstates” supply.

The Project water demand and supply analysis is included in Section 4.16 of the Draft EIR, UTILITIES AND SERVICE SYSTEMS. This is an introductory comment; more specific comments and responses follow. Commentor's opinion is noted.

Response 58 Q.

This comment suggests that the current SWP reliability report may not be used in the analysis of Project water supplies because the report was published before “more recent” biological opinions were issued for “the other” and “migratory” fish species in the Delta.

As discussed in the Draft EIR and the WSA, the current SWP reliability report considers future SWP delivery levels related to potential climate change impacts and the protection of the Delta smelt. On June 4, 2009 the National Marine Fisheries Service (NMFS) issued a biological opinion (Biop) for anadromous, migratory fish species in the Delta. The implementation of certain or the U.S. Fish and Wildlife Service (USFWS) water management measures for the smelt has been enjoined in a lawsuit and there is ongoing litigation concerning the final disposition of these measures. The NMFS Biop has also been criticized by several private and public interests after issuance and may be subject to significant similar legal challenges and uncertainty. WSA Section 5.1.1 acknowledges that operation of the SWP Delta pumps, which supply water from the Delta for the SWP system, could change in response to future conditions. For example, if proposed new conveyance facilities that avoid critical fish habitat in the Delta are built, the WSA notes that SWP system reliability could potentially increase above current levels. Conversely, the WSA observes that “the existing [Delta] pumping system may be maintained and could potentially become subject to increasingly more stringent operational constraints” (WSA at 20). Until legal uncertainties regarding Delta fish protection measures are resolved, and the DWR issues the next updated assessment of the SWP system, the current SWP reliability report remains the most comprehensive analysis of potential SWP system delivery levels available for CEQA purposes. The WSA and Draft EIR show that TCWD has more than adequate supplies to meet all District demands, including Project demands, in normal, dry and multiple-year drought conditions assuming that SWP deliveries occur at the lowest levels identified in the current SWP reliability report (see Draft EIR Tables 4.16-4 through 4.16-6 and WSA Tables 11 through 13). Consequently, TCWD has a sufficient supply reserve to accommodate potential future changes in the SWP system that may be related to the NMFS Biop. The extent of TCWD’s supply reserves may be further illustrated by considering potential SWP reliability impacts that may be associated with the NMFS Biop in addition to the climate change and smelt-related
impacts indentified in the SWP reliability report. The NMFS Biop states that, “NMFS estimates the water costs associated with the [reasonably prudent alternatives] to be 5-7% of average annual combined exports: 5% for [the federal Central Valley Project], or 130 TAF [thousand acre-feet]/year, and 7% for SWP, or 200 TAF/year. The combined estimated annual average export curtailment is 330 TAF/year.” The Biop further states that the 7% SWP delivery reduction would be in addition to measures implemented for the smelt NMFS 2009. As required by the Water Code and CEQA, Draft EIR Tables 4.16-4 through 4.16-6 and WSA Tables 11 through 13 analyze TCWD’s ability to meet District demands, including the Project, in normal, dry and multiple dry years over a 20-year period assuming that future SWP deliveries will occur at the most conservative levels identified in the current SWP reliability report. As discussed in Section 5.1.2 of the WSA and in the Draft EIR at 4.16-14, Draft EIR Tables 4.16-4 through 4.16-6 and WSA Tables 11 through 13 incorporate several additional conservative assumptions, such as the assumed need to meet full Project and other District demands from year one of the analysis (although full demand will take several years to materialize), and limiting TCWD’s water bank capacity to 24,000 acre-feet although the District current has nearly 30,000 acre-feet in storage. Tables A through C below analyze TCWD’s supplies assuming that SWP deliveries will be reduced by an additional 15% below the levels used in the Draft EIR and WSA, or more than double the potential 7% SWP impact identified in the NMFS Biop.

Table A shows that, if SWP deliveries were reduced by an additional 15% below the levels in Draft EIR Table 4.16-4 and WSA Table 11, in normal years the District would be required to utilize a small portion (118 to 17 acre-feet per year) of its banked supplies to meet demand. This level of utilization would not significantly affect TCWD’s banked storage levels. Table A shows that, even if SWP deliveries were reduced by more than double the amount identified in the NMFS Biop, in a normal year TCWD would be able to meet all District demands and maintain a storage reserve of at least 7,000 acre-feet for Project use.

<table>
<thead>
<tr>
<th>TCWD Normal Year Water Supply and Demand Analysis</th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recycled Water and SWP Supplies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled Water</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
</tr>
<tr>
<td>SWP Table A (reduced by 15% from levels in Draft EIR Table 4.16-4 and WSA Table 11)</td>
<td>2,826</td>
<td>2,860</td>
<td>2,893</td>
<td>2,927</td>
<td>2,960</td>
</tr>
<tr>
<td>Article 21</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lower Kern River</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Subtotal Supplies</strong></td>
<td>3,984</td>
<td>4,018</td>
<td>4,051</td>
<td>4,085</td>
<td>4,118</td>
</tr>
<tr>
<td><strong>Demands</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TIC Service Area</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
</tr>
<tr>
<td>Tejon Mountain Village Service</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
</tr>
</tbody>
</table>
Table B shows that, if SWP deliveries were reduced by an additional 15% below the levels in Draft EIR Table 4.16-5 and WSA Table 12, in a single dry year TCWD would use stored reserve supplies to meet the majority of the District’s demands. This level of utilization would reduce TCWD’s banked storage levels over time, but the level of the District’s reserve would not fall below approximately 15,077 acre-feet. Table B shows that, even if SWP deliveries were to be reduced by more than double the amount identified in the NMFS Biop, in a single dry year TCWD would be able to meet all District demands and maintain a storage reserve of at least 7,000 acre-feet for Project use.

Table B

TCWD Single Dry Year Water Supply vs Demands
SWP Delivery Reduction of 15% Below Levels Assumed in Draft EIR Table 4.16-5, WSA Table 12 and in Most Conservative SWP Reliability Report Levels

<table>
<thead>
<tr>
<th>Area</th>
<th>2008</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other District Operations</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total TCWD Demands</strong></td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
</tr>
<tr>
<td><strong>Surplus/(Extraction)</strong></td>
<td>(118)</td>
<td>(84)</td>
<td>(51)</td>
<td>(17)</td>
<td>16</td>
</tr>
</tbody>
</table>

Table B shows that, if SWP deliveries were reduced by an additional 15% below the levels in Draft EIR Table 4.16-5 and WSA Table 12, in a single dry year TCWD would use stored reserve supplies to meet the majority of the District’s demands. This level of utilization would reduce TCWD’s banked storage levels over time, but the level of the District’s reserve would not fall below approximately 15,077 acre-feet. Table B shows that, even if SWP deliveries were to be reduced by more than double the amount identified in the NMFS Biop, in a single dry year TCWD would be able to meet all District demands and maintain a storage reserve of at least 7,000 acre-feet for Project use.
Table C shows that, if SWP deliveries were reduced by an additional 15% below the levels in Draft EIR Table 4.16-6 and WSA Table 13, in multiple dry years TCWD would use varying levels of stored reserve supplies to meet the District demands. This level of utilization would reduce TCWD’s banked storage levels over time, but the level of the District’s reserve would not fall below approximately 15,692 acre-feet. Table B shows that, even if SWP deliveries were to be reduced by more than double the amount identified in the NMFS Biop, in multiple dry years TCWD would be able to meet all District demands and maintain a storage reserve of at least 7,000 acre-feet for Project use.

### Table C

Multi-Year Drought Analysis (Based on 1931-34 Conditions)
Annual Water Supply vs Demand Balance
SWP Delivery Reduction of 15% Below Levels Assumed in Draft EIR Table 4.16-6, WSA Table 13 and in Most Conservative SWP Reliability Report Levels

<table>
<thead>
<tr>
<th></th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recycled Water and SWP Supplies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled Water</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
<td>1,158</td>
</tr>
<tr>
<td>SWP Table A (reduced by 15% from levels in Draft EIR Table 4.16-6 and WSA Table 13)</td>
<td>1,122</td>
<td>1,481</td>
<td>1,750</td>
<td>1,481</td>
</tr>
<tr>
<td>Article 21</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lower Kern River</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Subtotal Supplies</strong></td>
<td>2,280</td>
<td>2,639</td>
<td>2,908</td>
<td>2,639</td>
</tr>
<tr>
<td><strong>Demands</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TIC Service Area</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
<td>1,102</td>
</tr>
<tr>
<td>Tejon Mountain Village Service Area</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
<td>2,900</td>
</tr>
<tr>
<td>Other District Operations</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total TCWD Demands</strong></td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
<td>4,102</td>
</tr>
<tr>
<td><strong>Surplus/(Extraction)</strong></td>
<td>(1,822)</td>
<td>(1,463)</td>
<td>(1,194)</td>
<td>(1,463)</td>
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<tr>
<td>Maximum Recovery from Water Banks</td>
<td>1,822</td>
<td>1,463</td>
<td>1,194</td>
<td>1,463</td>
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<tr>
<td>End of Year Water Bank Reserve</td>
<td>19,813</td>
<td>18,350</td>
<td>17,155</td>
<td>15,692</td>
</tr>
</tbody>
</table>

Tables A through C show that TCWD will be able to meet all District demands, including the Project, even if the Draft EIR and WSA analyses further assume that SWP deliveries would be reduced by more than twice the levels identified in the NMFS Biop. As a result, the Draft EIR and WSA analyses demonstrate that Project water supplies will be sufficient in the event that the Delta species measures identified in Comment Q impact the SWP system to a greater extent than the most conservative scenarios identified in the SWP reliability report.
Response 58 R.

The commentor states that the Draft EIR includes water conservation measures but questions what guarantee there is that future homeowners will retain the water conservation features. Mitigation Measures 4.16-1 and 4.16-2 of the Draft EIR; Land Use Policy 2 and the corresponding implementation measures CC, DD and GG of the Tejon Mountain Village Specific and Community Plan and Special Planning District; and Section IV of the Tejon Mountain Village Sustainability Plan collectively require implementation of a Water-Wise program that will include all feasible measures to reduce water use and will establish a Maximum Applied Water Allowance (MAWA) budget for each home.

Please refer to Response to Comment 25-W11, which describes how Mitigation Measure 4.16-2 requires the Project to implement Section IV of the Sustainability Plan (Appendix F of Appendix B-1, Tejon Mountain Village Specific Plan and Community Plan Special Planning District). The Sustainability Plan requires each land use (i.e., commercial, residential, recreational) to be assigned a MAWA budget, establishing the maximum amount of water that the particular land use may use for both interior and exterior water demands. Further, each development project will be required to identify how it will stay within the MAWA during the project design stage. Each developer, builder, or custom lot owner may choose from various water efficiency measures and techniques in order to meet this standard, incorporating the landscape design and conservation measures that are most practical for the particular development project. Water conservation features will include water-efficient plumbing and fixtures, use of plant materials contained in the Tejon Mountain Village Master Design Guidelines (including as Appendix B to Draft EIR Appendix B-1, Tejon Mountain Village Specific Plan and Community Plan Special Planning District), compliance with turf and mulch, irrigation system, soil management, water features, and grading design standards as described in Section IV of the Sustainability Plan and Tejon Mountain Village Master Design Guidelines. Accordingly, the use of detailed, site-specific water demand factors, along with the requirement that specific projects be designed so that MAWAs are not exceeded, commits the Project to the estimated water demand to the extent feasible.

Further, Project implementation will also be tracked through the implementation of the Mitigation Monitoring and Reporting Program (MMP). Pursuant to Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097(a), when approving a project that contains mitigation measures, the lead agency must adopt a mitigation monitoring and reporting program. Mitigation monitoring and reporting is designed to implement one of CEQA's fundamental purposes – to reduce significant effects when it is feasible to do so. Public Resources Code §§ 21002; 21002.1(a)-(b). Mitigation monitoring ensures that measures will actually be implemented. See e.g. Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261. The Project MMP identifies, "Responsible Monitoring Agency," "Time Frame for Implementation", and "Steps to Compliance," for each mitigation measure, and provides columns for the County to sign and date when the various mitigation measures have been completed. The MMP is also available for public review. Please refer to Response 20-B for a more detailed discussion of Mitigation Monitoring Plan requirements.

The MMP requires implementation of the water demand-related requirements for the Project including, for example, Mitigation Measure 4.16-1 (requiring implementation of a water-wise program that includes all feasible measures to reduce water use and establishment of a MAWA budget for each lot or home).

As described in the Tejon Mountain Village Master Design Guidelines, custom lot owners, residential and commercial builders will be required to demonstrate compliance with the Water-Wise Program and the MAWA budget when they submit their building and landscape plans during the Design Review process. Tejon Castac Water District will, in turn, be responsible for monitoring water usage at each meter and insuring compliance with the program.
Response 58 S.

Commentor states that the water requirements for open space have been underestimated, especially for golf courses. The commentor also notes that no accommodation for the disposal of brine resulting from recycled water use was included in the WSA or Draft EIR. The commentor also notes that additional energy and water use required for the process were not included in the WSA or Draft EIR.

Please see Response to Comment 25-V11, which discusses the analysis conducted to estimate the Project's outdoor water demand. That water demand analysis was included in the Preliminary Water Use Estimates report, included as Appendix A to Draft EIR Appendix N1. For the golf clubhouse indoor use, an indoor water use equivalent to the average of the market and office water use values was used. The use of detailed, site-specific water demand factors ensures that water demand estimates for the Project are as accurate as possible.

Initially, the golf courses will be irrigated using raw water from the State Water Project, which will contain a lower TDS than recycled water. So, each golf course will have infrastructure necessary to deliver sufficient raw water to irrigate the golf courses. Once sufficient recycled water is available, golf courses will be irrigated using recycled water. The Project will develop a management plan for the golf courses to ensure that any potential salt accumulation is addressed. Management of the wastewater treatment plant, including disposal of waste products from the plant, is described in Section 4.16, UTILITIES AND SERVICE SYSTEMS.

Response 58 T.

Commentor states that an emergency water supply is required for the Project in the event an earthquake or power failure lasting longer than three days renders the pumps at the Edmunston pumping station inoperable. Commentor further requests clarification on the use of local groundwater in the event of an emergency.

Please refer to Response to Comment 24-T, explaining that the Project does not intend to use groundwater for potable or non-potable uses as discussed in Draft EIR Section 4.16, UTILITIES AND SERVICE SYSTEMS, including a description of the mitigation measure requiring adequate emergency water supplies. Local groundwater is not proposed to be utilized as part of the Project, generally or in the event of an emergency.

Emergency water supplies are addressed in Mitigation Measure 4.16-3, which appeared in the Draft EIR and requires verification of adequate water storage to ensure at least a 3-day emergency period supply prior to approval of each tentative tract map and development of any commercial site.

Response 58 U.

The commentor states that the State Water Project periodically produces very high chloride concentrations during drought cycles. The commentor asserts that without treatment for chloride, the salt concentrations from the State Water Project will exceed base levels in local surface streams and groundwater, and therefore such water cannot be pumped into the groundwater basin without receiving further treatment under the Clean Water Act.

There are no anticipated discharges of recycled water to Clean Water Act jurisdictional waters. Discharges to land and non-federal waters are covered by the Porter Cologne Act, which is implemented by the CVRWQCB. All necessary permits from the CVRWQCB will be obtained for the use of recycled water for non-potable uses, which is encouraged to address water supply, sustainability, climate change,
and energy utilization concerns. Additionally, discharges of stormwater and urban runoff for the project will be covered under the CVRWQCB, Order No. 5-01-130, NPDES No. CA0088399 Waste Discharge Requirements for the County of Kern and the City of Bakersfield for Urban Storm Water Discharges, Kern County ("MS4 Permit"). Section 6 of the MS4 permit allows that, unless determined by the Executive Officer or the Discharger to be significant sources of pollutants, designated non-storm waters may be discharged through the storm water drainage system. Section D(6)a, g, and h all allow for the discharges of potable water. Due to the very limited volumes that typically occur associated with the maintenance of potable water systems, discharges of potable water will not impact the beneficial uses of receiving waters. Please refer to Response to Comments 17-J through 17-M for further information.

Response 58 V.

Commentor requests resolution of the issues identified in its previous comments, but opposes the Project until these issues are addressed. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors.

Response 58 W.

As noted above, commentor attached a list of mitigation measures developed by the California Attorney General for consideration during the CEQA environmental review process, entitled "The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level." California Attorney General 2009. As explained in the summary of the document, it is intended to provide information to local agencies to assist in their carrying out of their duties under CEQA. The document includes a variety of measures that may reduce climate change impacts of a project, and notes that listed measures may not be appropriate for all projects. The summary notes that the lead agency must determine which mitigation measures are suitable for a given project.

The document includes a general list of measures that could be applied to a range of projects that will have significant climate change impacts; these measures should not be viewed in isolation, but as a larger set of potential mitigation that can work together to reduce climate change impacts from a project. The document also lists a number of GHG reduction measures that may be incorporated into a jurisdiction's general plan, which may also be appropriate for larger scale plans.

The document also includes links to sources of information on climate change impacts and emissions reduction measures intended as a resource for local agencies. Finally, the document includes endnotes of examples of emission reduction measures that are being implemented by various entities. The general list of suggestions and measures is a source for the applicant to use in meeting the performance goal of 29% reduction. Mitigation Measure 4.3-18 requires the Project to reduce GHG emissions by 29% through Project design and other measures. Mitigation Measure 4.3-1 requires the applicant to reduce Project construction and operational emissions of NOx and PM10 below 2 tons per year. The applicant has chosen to achieve reductions beyond that performance standard through a Development Mitigation Contract (DMC) or Voluntary Emissions Reduction Agreement (VERA) to be entered into by the San Joaquin Valley Air Pollution Control District (SVAPACD) and the Project applicant. The DMC or VERA may include the potential for off-site mitigation. The submittal of these measures will ensure that the proposed performance standard of 29% is achievable.

The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. Specific mitigation measures suggested by the Attorney General are addressed below.
Response 58 X.

This section of the document contains "Generally Applicable Measures," as discussed in the Response to Comment 58-W, above. Many of these measures were addressed in Table 4.3-46 of the Draft EIR, which analyzed feasible and reasonable mitigation measures, including mitigation measures suggested by the Attorney General. Draft EIR at 4.3-189 to 4.3-208. However, the document provided by commentor includes some mitigation measures that were not analyzed in Table 4.3-46. The discussion that follows addresses these additional suggestions.
### Possible Mitigation

<table>
<thead>
<tr>
<th>Energy Efficiency</th>
<th>Disposition</th>
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</thead>
<tbody>
<tr>
<td>Install energy efficient heating and cooling systems, appliances and equipment, and control systems.</td>
<td>Mitigation Measure 4.3-6 requires heating and cooling optimization through building design to minimize the need for mechanical cooling and heating. Additionally, Mitigation Measure 4.3-6 requires 25% energy efficiency improvements beyond 2008 Title 24 Standards on a TDV basis, which shall be verified by an energy audit. Installation of Energy Star appliances and lighting products is among the measures that builders and custom lot owners may use to meet this requirement. Natural lighting optimization and lighting control systems, which adjust depending on the amount of natural light in the interior space, may also be used.</td>
</tr>
<tr>
<td>Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.</td>
<td>The installation and use of efficient lighting is encouraged by Mitigation Measure 4.3-6, which includes the use of Energy Star qualified lighting products for outdoor lighting at residential and commercial buildings. As provided in Mitigation Measure 4.1-4, street lighting would be limited to intersections to maintain the rural mountain character of Tejon Mountain Village. Helicopter pads in the project would be equipped with pilot-activated lighting so that lights are only illuminated during arrivals and departures, under Mitigation Measure 4.1-6. These measures will substantially reduce the energy needs of the Project's outdoor lighting.</td>
</tr>
<tr>
<td>Limit hours of operation of outdoor lighting.</td>
<td>Although the hours of operation of outdoor lighting are not specifically limited, as provided in Mitigation Measure 4.1-4, street lighting would be limited to intersections to maintain the rural mountain character of Tejon Mountain Village. Helicopter pads in the Project would be equipped with pilot-activated lighting so that lights are only illuminated during arrivals and departures, under Mitigation Measure 4.1-6. These measures will substantially reduce the energy needs of the Project's outdoor lighting. The installation and use of efficient lighting is encouraged by Mitigation Measure 4.3-6, which includes the use of Energy Star qualified lighting products for outdoor lighting in residential and commercial buildings. This mitigation is equivalent to or more restrictive than the suggested mitigation.</td>
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</table>

### Renewable Energy
### Possible Mitigation

<table>
<thead>
<tr>
<th>Possible Mitigation</th>
<th>Disposition</th>
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<tbody>
<tr>
<td>Install solar panels on carports and over parking areas.</td>
<td>Details about the nature of the parking facilities to be included at the Project are not yet known. When parking facilities are determined, solar panel installation will be considered if appropriate. In addition, the Project includes other mitigation measures designed to encourage solar power use. Mitigation Measure 4.3-6 requires that all community amenity buildings shall be equipped with active solar energy systems. All homebuyers must be provided with the option to include a photovoltaic array system in their homes. In addition, the Project applicant will work with the County to try to implement a program to fund photovoltaic system installations.</td>
</tr>
<tr>
<td>Use combined heat and power in appropriate applications.</td>
<td>This measure is not appropriate for a project of this scale, which will not be generating its own power. However, the AB 32 Scoping Plan has set a goal to install an additional 4,000 MW of combined heat and power capacity by 2020, which would help to displace the need to expand existing power plants or develop new plants. If combined heat and power systems are developed and located to serve the Project, they will further reduce its GHG emissions levels.</td>
</tr>
</tbody>
</table>

### Water Conservation and Efficiency

<table>
<thead>
<tr>
<th>Water Conservation and Efficiency</th>
<th>Mitigation Measure 4.6-6 requires that water efficiency measures are implemented in the Tejon Mountain Village area to minimize water demand. Each building or home shall be assigned a Maximum Applied Water Allowance budget that must not be exceeded. Additionally, a Water Wise Program shall be implemented, which will include all feasible mitigation measures to reduce water and energy use. Homeowners will be required to select plants from the Tejon Mountain Village Landscape Plant List, which prioritizes native species and natural vegetation and water efficient plants, and to appropriately place plants according to climatic conditions. Mitigation Measure 4.6-6 also establishes standards for turf areas to minimize irrigation runoff and improve water efficiency. Soil management standards that increase water efficiency shall be considered, and water features on the Project site will use recirculating water. In addition, when available, recycled water will be used for water features on golf courses, hotels, and commercial centers. Mitigation Measure 4.6-6 requires specific irrigation efficiencies.</th>
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<tbody>
<tr>
<td>Possible Mitigation</td>
<td>Disposition</td>
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<tr>
<td>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.</td>
<td>Under Mitigation Measure 4.3-6 irrigation shall be designed to maximize water efficiency and meet the assigned Maximum Applied Water Allowance budget. This includes use of &quot;smart&quot; controllers, such as those that self-adjust based on weather conditions. Other irrigation efficiencies include designing systems to match plant type, soil type and infiltration rates, landscape hydrozones and prevent runoff; placing separate valves for trees, where feasible; head-to-head coverage to ensure uniform water application; placing valves as close as possible to point of connection to minimize water loss; and using subsurface or other low-volume irrigation for long, narrow or irregular-shaped landscape areas. Mitigation Measure 4.3-6 is equivalent to or more restrictive than the suggested mitigation.</td>
</tr>
<tr>
<td>Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water.</td>
<td>Mitigation Measure 4.3-6 requires that, when available, recycled water shall be used for water features on golf courses, hotels and commercial centers. The Project will include a wastewater reclamation facility that will provide this recycled water. All buildings and homes must comply with the assigned Maximum Applied Water Allowance.</td>
</tr>
<tr>
<td>Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</td>
<td>To comply with the Maximum Applied Water Allowance budget and Water Wise Program established by Mitigation Measure 4.3-6, builders, developers and lot owners shall install water efficient interior fixtures, tankless water heaters and low-flow plumbing. High-efficiency toilets and high-efficiency clothes washers should be incorporated when feasible.</td>
</tr>
<tr>
<td>Use graywater. For example, install dual plumbing in all new development allowing graywater to be used for landscape irrigation.</td>
<td>Mitigation Measure 4.3-6 requires that when available, recycled water shall be used for water features on golf courses, hotels and commercial centers. All buildings and homes must comply with the assigned Maximum Applied Water Allowance.</td>
</tr>
<tr>
<td>Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</td>
<td>Under Mitigation Measure 4.3-6, irrigation shall be designed to maximize water efficiency and meet the assigned Maximum Applied Water Allowance budget. Detailed standards for turf areas, and soil management practices will limit runoff and inefficiencies in irrigation. For example, turf areas irrigated with overhead spray and rotary heads should be set back a minimum of 24 inches from curbs, driveways, sidewalks, or any other areas that may direct runoff and overspray onto the pavement.</td>
</tr>
<tr>
<td>Restrict the use of water for cleaning outdoor surfaces and vehicles.</td>
<td>Each building or home shall be assigned a Maximum Applied Water Allowance budget that must not be exceeded. Additionally, under Mitigation Measure 4.3-6, an education and outreach program shall promote the advantages of water conservation.</td>
</tr>
<tr>
<td>Possible Mitigation</td>
<td>Disposition</td>
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<td>----------------------------------------------------------------------------------</td>
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<tr>
<td>Implement low-impact development practices that maintain the existing hydrologic</td>
<td>Through preservation of open space, reduction of impervious surfaces, use of permeable paving materials, reduction of street widths, minimization of soil disturbance during development to avoid soil compaction and reduction of land coverage of buildings, open space will be preserved to the maximum extent feasible. As described in Mitigation Measure 4.8-32, approximately 80% of the Project site would be preserved as ranchlands or other open space via deed restrictions, maintaining natural hydrologic features. Mitigation Measures 4.8-1 through 4.8-8 describe measures during Project construction to minimize runoff and protect water quality. Mitigation Measure 4.8-21 requires that at all golf courses, natural vegetation areas shall be preserved to the extent possible and impervious surfaces shall be limited. Additionally, bioretention areas and vegetated swales will be constructed to manage stormwater runoff, under Mitigation Measures 4.8-27 and 4.8-28.</td>
</tr>
<tr>
<td>character of the site to manage storm water and protect the environment</td>
<td></td>
</tr>
<tr>
<td>Devise a comprehensive water conservation strategy appropriate for the project</td>
<td>Mitigation Measure 4.6-6 requires that water efficiency measures are implemented in the Tejon Mountain Village area to minimize water demand. Each building or home shall be assigned a Maximum Applied Water Allowance budget that must not be exceeded. Additionally, a Water Wise Program shall be implemented, which will include all feasible mitigation measures to reduce water and energy use. This includes the features listed above as well as additional conservation and efficiency measures.</td>
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<tr>
<td>and location. The strategy may include many of the specific items listed above,</td>
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<td>plus other innovative measures that are appropriate to the specific project.</td>
<td></td>
</tr>
<tr>
<td>Provide education about water conservation and available programs and incentives.</td>
<td>Mitigation Measure 4.3-6 requires an education and outreach program for the existing and future Tejon Mountain Village Community. It shall include an education program that will promote the advantages of water conservation and a temporary &quot;Eco-House&quot; showcasing various green and sustainable development technologies and best practices.</td>
</tr>
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</table>

**Land Use Measures**

| EDucate the public about the benefits of well-designed, higher density development. | Mitigation Measure 4.3-6 requires an education and outreach program for the existing and future Tejon Mountain Village Community. It shall include an education program to promote open space preservation and limited site disturbance. Public outreach also will include a conservation education and citizen awareness program for the open space areas, informing residents and guests of the natural resource values and vulnerabilities within the Tejon Mountain Village open space areas. |

**Transportation and Motor Vehicles**
<table>
<thead>
<tr>
<th>Possible Mitigation</th>
<th>Disposition</th>
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</thead>
<tbody>
<tr>
<td>Use low or zero-emission vehicles, including construction vehicles</td>
<td>Mitigation Measure 4.3-4 requires the Project to promote the use of alternative fuel technologies for construction vehicles, and imposes various emission-reduction requirements on construction equipment. Under Mitigation Measure 4.3-10, commercial areas and amenity buildings shall be designed to be accessible by pedestrians, bicycles and community electric vehicles. Mitigation Measure 4.3-8 calls for community vehicles to use best alternative fuel technology.</td>
</tr>
<tr>
<td>Create local &quot;light vehicle&quot; networks, such as neighborhood electric vehicle (NEV) systems.</td>
<td>Mitigation Measure 4.3-8 calls for community vehicles to use best alternative fuel technology. Additionally, under Mitigation Measure 4.3-10, commercial areas and amenity buildings shall be designed to be accessible by community electric vehicles.</td>
</tr>
<tr>
<td>Institute a low-carbon fuel vehicle incentive program.</td>
<td>This measure does not apply to private developments such as the Project. However, Mitigation Measure 4.3-8 requires that best available fuel technology is used for community service vehicles. In compliance with applicable law, Mitigation Measure 4.3-14 establishes preferential parking in commercial areas for alternative fuel vehicles.</td>
</tr>
<tr>
<td>Promote &quot;least polluting&quot; ways to connect people and goods to their destinations.</td>
<td>The Project would include an extensive trail system that encourages and provides safe passage for pedestrian, bicycle, and equestrian uses. Mitigation Measure 4.3-10 includes a requirement that commercial areas and amenity buildings be designed to encourage pedestrian, bicycle, and community electric vehicle access. Mitigation Measure 4.3-7 includes a transit connection on site. Within the Project's village/mixed-use center, pedestrian walkways would connect buildings and create a walkable town center.</td>
</tr>
<tr>
<td>Work with the school district to restore or expand school bus services.</td>
<td>As described in the Draft EIR Section 4.13, PUBLIC SERVICES, Tejon Mountain Village will be served by the El Tejon Unified School District and/or the Arvin Union School District and Kern High School District. Under Mitigation Measure 4.13-12, the Project applicant will pay developer fees with each building permit or negotiate a school mitigation agreement. It is anticipated that the Project would be served by buses from the school district.</td>
</tr>
</tbody>
</table>
Response 58 Y.

This section of the document contains "General Plan Measures," as discussed in the Response to Comment 58-W, above. These measures are intended to be considered for inclusion in a general plan prepared by a local agency. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors.

As the Draft EIR analyzes a development project proposed by a private party, general plan measures are not applicable to these Final EIR responses to the Draft EIR. However, it should be noted that Mitigation Measures 4.3-18 has been revised to require compliance with any Climate Action Plan adopted by the County, which may occur in conjunction with the County's General Plan update process. Please refer to Section 7.e, ERRATA TO THE PROJECT DRAFT EIR.

Response 58 Z.

As discussed in the Response to Comment 58-W, above, sections 3 and 4 of the attachment contain resources about climate change and information about mitigating its impacts, and examples of emission-reductions actions being taken by local agencies to address it. As noted, the Planning Department has received direction from the Kern County Board of Supervisors to prepare a Climate Change Action Plan for the entire County. 4.3-18 requires that the Project comply with any such plan if it is adopted prior to issuance of building permits. The comment is noted for the record and will be provided to the Planning Commission and the Board of Supervisors. To the extent that these references are relevant to specific mitigation measures suggested, they have been addressed in the Response to Comment 58-X, above.
Comment Letter 59 – Request for More Time

July 8, 2009

Craig M. Murphy, Supervising Planner
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Sent via electronic mail to murphy.craig@kern.ca.us and hand copy via USPS

RE: Tejon Mountain Village Environmental Impact Report deadline extension request

Dear Mr. Murphy:

Defenders of Wildlife respectfully requests that the Kern County Planning Department grant an extension of at least 90 days on the deadline for comments on the Tejon Mountain Village (TMV) Specific and Community Plan Draft Environmental Impact Report (DEIR).

The current deadline of July 13th does not provide adequate time for the public to review the voluminous documents or to provide any meaningful comments for the decision-making process. Furthermore, the August 13th hearing date is essentially the deadline for comments, but these two dates, a full month apart, are confusing at best and quite possibly in violation of the requirements of the California Environmental Quality Act.

Multiple reasons exist that make a deadline extension necessary. The sheer size of the DEIR and the project itself necessitates a longer review and comment period. The addendum CD with key maps and corrections to mislabeled sections was not provided at the beginning of the comment period. The distribution of this CD should have triggered a subsequent public notice and a new comment period deadline. Other projects in the area as well as the associated Habitat Conservation Plan for TMV have similar deadlines. All of these documents deserve detailed analysis that is simply not possible in the tight timeframes set out by the current deadlines. For the above stated reasons, Defenders requests a comment deadline extension of at least 90 days for the TMV DEIR.

Sincerely,

Pamela Fleck
California Program Coordinator
Comment Letter 59, Cont.

The Center on Race, Poverty & the Environment

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Fax (661) 720-9483

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Assistant Director

Lupe Martinez
Director of Organizing

Cristal Saiz
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June 25, 2009

Kern County Planning Department
Attn: Lorelei Oviatt and Craig Murphy
lorelei@co.kern.ca.us
murphyc@co.kern.ca.us

Public Services Building
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Re: Request for Extension on Comment Period for Tejon Mountain Village
Draft Environmental Impact Report

Dear Ms. Oviatt and Mr. Murphy:

This letter is to respectfully request that the Kern County Planning Department issue a
180-day extension of the public comment period for the Draft Environmental Impact Report for
the proposed Tejon Mountain Village development. The current deadline of July 13, 2009 does
not provide sufficient time for community members and advocacy groups to review the DEIR
and adequately express public sentiment about the planned project. A 180-day extension in the
comment period would indicate to the community that the Kern County Planning Department
takes into account the high level of community interest and concern about the project, and that
Comment Letter 59, Cont.

the Planning Department has a realistic understanding of the public’s need for more time in order to participate effectively in this process.

A 180-day extension is also appropriate in light of the many other planned developments that community members are facing at this time. The comment period for the Tehachapi Uplands Multi-Species Habitat Conservation Plan and its DEIS expires on July 7, and the public must also submit comments on the planned Fallingstar/Frazier Park Estates development by July 17. The comment periods for both Frazier Park Estates and Tejon Mountain Village were limited to 45 days, the minimum period required for public comments. The sites for these two planned developments are within miles of each other, near a community that will soon be addressing plans for yet another development, the Centennial project.

The public has clearly been inundated by an overwhelming schedule of development plans. The period set out for public comments, as it is currently scheduled, precludes the community from exercising its fundamental right to participate in this process. On behalf of the Center on Race, Poverty & the Environment and the Association of Irritated Residents, two of the interested parties in these developments, I request that you issue a 180-day extension on the comment period for the Tejon Mountain Village Draft Environmental Impact Report.

Sincerely,

Jennifer Giddings
Staff Attorney
7-2-09

Lorelei Oviatt
Division Chief, Kern County Planning Department
2700 "M" Street
Bakersfield, CA 93301-2370

Re: Request to extend the comment period for the Tejon Mountain Village Specific Plan, General Plan Amendment and DEIR

Dear Ms. Oviatt:

The California water Impact Network (C-WIN) is a statewide California nonprofit organization incorporated in 2001 that focuses on water supply issues. We are concerned about project approvals throughout the state of California that rely on the State Water Project due to impacts of water withdrawals from the Sacramento Delta.

Several large EIRs all managed by Dudek and Associates, both in Kern and Los Angeles County have all been released simultaneously. These include Tejon Mountain Village and Frazier Park Estates, the EIS for the Tehachapi Uplands Multispecies HCP and the EIS for the Newhall Ranch project in the Santa Clarita area. It seems more than coincidental that all these documents were released for public review within a month or two of each other. These documents constitute more than 50,000 cumulative pages. No one can verify the data and provide meaningful comments on them in the short time period allowed for public review.

By participating in the planning process we hope to be able provide you with information that will help make this a well thought out and better project for the Frazier Park area.

Therefore, we request that you extend the time period to comment on this important project by at least 90 days.

Thank you for considering our request to grant this extension.

Sincerely,

Carolee Kreiger
President
Comment Letter 59, Cont.

Santa Clarita Organization for Planning and the Environment

TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY

POST OFFICE BOX 1182, SANTA CLARITA, CA 91386

6-26-09

Lorelei Oviatt
Division Chief, Kern County Planning Department
2700 “M” Street
Bakersfield, CA 93301-2370

Re: Request to extend the comment period for the Tejon Mountain Village Specific Plan, General Plan Amendment and DEIR

Dear Ms. Oviatt:

Santa Clarita Organization for Planning and the Environment is a non-profit California Corporation founded in 1987 to monitor planning and conservation issues that affect the Santa Clarita Valley. Although the Tejon Mountain Village is not within the immediate area of the Santa Clarita valley to jobs in Los Angeles, may have a deleterious effect on our community. Cumulative impacts to global warming and the project’s proposed use of state water supply will also affect our area as overall water availability is reduced by drought.

Several large EIRs all managed by Dudek and Associates, both in our area and further up the I-5, have all been released simultaneously. These include Tejon Mountain Village and Frazier Park Estates, the EIS for the Tehachapi Uplands Multispecies HCP and the EIS for the Newhall Ranch project in the Santa Clarita area. It seems more than coincidental that all these documents were released for public review within a month or two of each other. No one can read and digest these more than 50,000 cumulative pages, verify the data and provide meaningful comments on them in the short time period allowed for public review.

We therefore request that you extend the time period to comment on this project important project by at least 120 days. We believe that the information we can provide into the planning process help make this a well thought out and better project for the mountain area, as well as reducing the impacts of the project on our own area.

Thank you in advance for allowing us to participate in your planning process and for granting our request for an extension of the comment period.

Sincerely,

David Lutness
Secretary
July 1, 2009

via electronic mail

Craig M. Murphy
Kern County Planning Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370
murphyC@co.kern.ca.us

Re: Request for Extension of Comment Deadline for Tejon Mountain Village DEIR

Dear Mr. Murphy:

The Center for Biological Diversity respectfully requests that the Kern County Planning Department grant a 90-day extension on the first deadline for comments on the Tejon Mountain Village Specific and Community Plan DEIR and a 60-day extension on the second comment deadline for an effective DEIR comment deadline (and hearing date) of October 12, 2009. Neither currently reported deadline (July 13, 2009, or Aug. 13, 2009) provides adequate time for any useful contribution from the public in the decision-making process.

Most importantly, the Planning Department’s posting of two deadlines for comments, one on July 13, 2009, and one on August 13, 2009, creates confusion and challenges the Department’s CEQA compliance. The August 13th hearing, scheduled “to receive comments on the document” (i.e., the DEIR), completely negates any prior “deadline.” Comments received on or before August 13th will have to be accepted and responded to in the exact same manner as comments submitted on July 13th. Any attempt by the Planning Department to limit comments on August 13th to those issues raised by 5:00 p.m. on July 13th will necessarily be invalid and a violation of CEQA.

Nonetheless, the comment deadline of August 13th still fails to provide adequate time to effectively respond to comments and an extension of that date is therefore necessary. Several factors suggest that an extension is required:

First, the length of the documents associated with the DEIR and the size of the project make useful review in the time provided impossible. Just downloading the documents from the Planning Department’s website was difficult, as the documents were not divided by section and resulted in massive files that repeatedly crashed the Center’s computer. Once downloaded, organizing the files, labeling the sections, and printing the relevant
documents took an additionally great amount of time and labor. This is all warranted, of course, because of the massive size and scale of the project itself, but it is symptomatic of a project that simply cannot be reviewed within the current deadline.

Secondly, the project does not exist in a vacuum, and the Planning Department knows this. The timing of the release of this plan, with an apparent deadline (as illegitimate as it is) just days after the deadline for comments on the associated proposed Habitat Conservation Plan and just days before the deadline for comments on the neighboring Frazier Park Estates, is clearly no accident. It is plainly obvious that the Planning Department intends, by its carefully coordinated release of documents, to minimize the ability of the public to sufficiently comment on these plans. Be aware that such efforts may be a violation of the law and that the Center may pursue these claims in any subsequent legal action. The law exists not just as a box to check off, but as a carefully crafted participatory process that leads to informed decision-making by elected officials—decisions the public may trust their leaders to make. The process to date for the Tejon Mountain Village DEIR sacrifices that trust. An extension for comments and an honest and true effort to seek the input and participation of the public is thus required.

Third, the Center recently received an addendum CD to the comments that were initially distributed. This addendum contains important maps not contained in the initial version of the documents and corrects several mislabeled sections. Because all documents were not available at the start of the comment period the deadline must be extended. Furthermore, notice of the missing maps, although made through the release of the CD, was not complete, as those members of the public who had already downloaded the documents had no way of knowing that maps were subsequently added. Proper correction of this error would include a new notice with a new comment deadline date, not merely the subsequent mailing of an addendum disc.

For all of the above reasons, the Center hereby respectfully requests an extension of 90/60 days to the comment deadline for the Tejon Mountain Village DEIR.

Sincerely,

/s/
Adam Keats
Comment Letter 59, Cont.

TriCounty Watchdogs

Lorelei Oviatt
Division Chief, Kern County Planning Department
2700 “M” Street
Bakersfield, CA 93301-2370
Date 6/17/09

Dear Ms. Oviatt,

TCW, and many local people with us, have been overwhelmed by the almost simultaneous arrival of the DEIR’s for Tejon Mountain Village and Frazier Park Estates, together with the EIS for the Tehachapi Uplands Multispecies HCP. There is no way in which anyone can read and digest these more than 30,000 pages, try to verify the data and their interpretation, and comment on them. If the CEQA and NEPA processes are going to have any validity whatsoever, we need more time.

I understand the EIS is not under your control, but we respectfully ask for a 180 day extension of the comment period for the two CEQA documents. The unusual circumstances mentioned in 15105 (a) of the Guidelines surely apply in this case.

CEQA was at least partly intended to give the public an opportunity to participate in the discussion of projects with significant environmental impacts. Unloading a pickup truck full of paper at the local library does not qualify as a serious invitation to participate.
Comment Letter 59, Cont.

TriCounty Watchdogs

Especially because Guidelines 15141 indicate that DEIR’s, even for complex projects, should be less than 300 pages.

The coming year or two will be of crucial importance for the future of the Mountain Communities. If all the proposed projects are approved, there will be housing built for an additional 100,000 people, and the Mountain Communities will be just one more blot of fire-prone, drought-ridden, air-polluted bedroom sprawl along I-5. We hope that the County takes time to reflect on all aspects of such a series of monumental decisions, and gives the public time to reflect on them as well. There is much more at stake here than money.

Best regards,

Jan de Leeuw

TriCounty Watchdogs
June 10, 2009

To: Kern County Planning Dept
    Bakersfield, CA

Please grant an extension to the 90-day time limit for Tejon Mtn. Villas and Frazier Park Estates projects.

Harry Nelson
14016 Yellowstone Dr., P.O. Box 4
Pine Mt. Club
Frazier Park, CA 93222

Tel: 661-242-8258
Craig Murphy - Tejon Mountain Village

From:  "Fay Benbrook" <fayb@frazmtn.com>
To:   <murphyec@co.kern.ca.us>
Date:  06/17/2009 2:15 PM
Subject:  Tejon Mountain Village

Dear Mr. Murphy,

Those of us who live in Pine Mountain Club and other mountain communities are making every effort to adequately evaluate your plans for Tejon Mountain Village. However, since these multiple documents took years to develop and we have just days to review them, we respectfully request that you allow us one or more months to respond.

Thank you.

Fay F. Benbrook, M.D.
P.O. Box AA
2001 Bernina Drive
Pine Mountain Club, CA 93222

file://C:\Users\murphyec\AppData\Local\Temp\XPgrpwse\4A38FA90RMARMAPO1001... 07/06/2009
From: Eric Anderson <ericroy@frazmtn.com>
To: <murphyC@co.kern.ca.us>, "Lorelei H. Oviatt" <LORELEIO@co.kern.ca.us>
Com: "Kern County Planning Dept." <planning@co.kern.ca.us>, Jim Ellis <JimE@co..>
Date: 06/29/2009 8:50 AM
Subject: Please extend the comment period for the DEIR for Tejon Mountain Village

Eric Roy Anderson
Past President of the Mountain Communities Town Council
1309 Leisure Lane
Frazier Park, CA
93225

H 661 245-5929
C 310 740-7678

June 28th, 2009

Dear Mr. Murphy,

I am writing to request that Kern County Planning Dept. extend the comment period for the DEIR for Tejon Mountain Village.

This is a huge amount of material to absorb and respond to in an intelligent and useful way. There is a great deal at stake for everyone involved. I take the CEQA process seriously, and I feel a 60 to 90 day extension is advisable given the enormity of the task at hand.

Also, you mentioned that you could send me an "Index" of page #s for the DEIR. That might be useful.

Thank you very much for considering my request,

Sincerely,

Eric Roy Anderson
Comment Letter 59, Cont.

From: Esther Pereira <esther81@mac.com>
To: <murych@co.kern.ca.us>
Date: 06/23/2009 10:46 AM
Subject: TMV Documents

We are requesting an extension of the time to respond to the TMV documents. It took many people many many hours to develop these documents. These people are experts. For lay people to read and absorb the documents requires many hours. Surely we should have more time to respond.

Wallis and Esther Pereira
PMC
Comment Letter 59, Cont.

From: "Mar Preston" <marpreston@frazmtn.com>
To: <murphyc@co.kern.ca.us>
Date: 06/15/2009 9:49 AM
Subject: Tejon Mountain Village Plan

I'm staggered by the amount of verbiage contained in this plan and such a short time to read it. Much less absorb all the traps and pitfalls for those of us who have to live with its cumulative impact.

Please consider a reasonable extension of time. What's the hurry?

Thank you.

Mar Preston
1408 Banff Drive, #6761
Pine Mountain Club, CA 93222
Craig Murphy - Mountain Communities Documents

From: Gayle Gentile-Royal <gaylegr@msn.com>
To: <murphyco.kern.ca.us>
Date: 06/11/2009 12:54 PM
Subject: Mountain Communities Documents

Good day to you, I am sending this email to request that we, the mountain residents, have an extension of time to be able to review all the documents pertaining to our community. It has taken years for some of these documents to be finalized and we need time to review them properly. Thanks, Gayle Gentile-Royal a PMC Resident for 11 years

Lauren found her dream laptop. Find the PC that's right for you.
Comment Letter 59, Cont.

Craig Murphy - More Time

From: "janet dauble" <janetd@bigvalley.net>
To: <murphyec@co.kern.ca.us>
Date: 06/11/2009 9:53 AM
Subject: More Time

Dear Sirs,

We must have more time to review the documents regarding the Tejon Village. This is a very important project and it affects us directly.

Thank you,

Janet Dauble

Dial Broadband has arrived Nationwide! Up to 5 times faster than traditional dialup connections from $13.33/month! See the demo for yourself at www.BigValley.net
Comment Letter 59, Cont.

From: Mary Ann Lockhart <jmal@frazmtn.com>
To: murphyc@co.kern.ca.us
Date: 06/10/2009 12:06 PM
Subject: dear re tejon mountain village

This is a strong request for a time extension on the DEIR for Tejon Mountain Village. The Mountain Communities have been deluged with documents that are interrelated to respond to in such a short time. These documents took years to develop and now those of us who are most directly affected have just days to absorb and CORRELATE one to the other. The proponents of these projects can surely afford to wait weeks and even months to hear our comments.

Thank you for your attention to this request. Sincerely mary ann lockhart PO GG, Frazier Park, CA 93222
Comment Letter 59, Cont.

Craig Murphy - Fw: Request to change EIR review date for Frazier Park Estates

From: Pam Wheeler <pam4pets@yahoo.com>
To: <lorelei@co.kern.ca.us>
Date: 06/09/2009 1:04 PM
Subject: Fw: Request to change EIR review date for Frazier Park Estates

--- On Tue, 6/9/09, Pam Wheeler <pam4pets@yahoo.com> wrote:

From: Pam Wheeler <pam4pets@yahoo.com>
Subject: Request to change EIR review date for Frazier Park Estates
To: lorelei@co.kern.ca.us
Date: Tuesday, June 9, 2009, 12:55 PM

It has been noted that the public comment for the EIR review meeting date for Tejon Mountain Village and Frazier Park Estates have been scheduled for the same date. Obviously this will impact attendance and is not fair to the local residents.

Please change the review date to a different date.

Thanks.

Pam Wheeler, resident
Frazier Park
pam4pets@yahoo.com
661-331-1837
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: JAREW JARVIS
Address: P.O. BOX 931
E-Mail: Jareword@gmail.com
Phone: 248-6320

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Greg Keenber
Address: P.O. BOX 876 Fraizer Park, CA 93223
E-Mail:
Phone:
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Janice Keenberg
Address  PO Box 876
E-Mail  janicekeen@gmail.com
Phone  661-245-0263

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Chris Kelly
Address  11907 Steinhoft Rd, P.O., CA 93228
E-Mail  kellyfan@frotnm.com
Phone  

Comment Letter 59, Cont.

I KNOW I NEED MORE TIME

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME John Kelly
Address 11907 Stuwe Rd
E-Mail KellyJonz@yahoo.com
Phone 245-1265

I KNOW I NEED MORE TIME

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME Ellen Keown
Address P.O. Box 190
E-Mail N/A
Phone 661-689-0959
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Tom Duquette
Address: 1612 Linden St.
E-Mail: duquette@kerncountylibrary.org
Phone: 661-344-7999

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Michael Farrell
Address: 4601 Sage Rd.
E-Mail: 
Phone: 

County of Kern
Chapter 7. Responses to Comments
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Sam Flame
Address: 6222 Loma Rd Bly Bly, Ca 93517
E-Mail: blazeflame@gmail.com
Phone: (661) 345-2810

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Volanda Gettler
Address: 483 Castac View Rd Lebec 93243
E-Mail:
Phone: 6612486589
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME

Address

E-Mail

Phone

I KNOW I NEED MORE TIME...

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME

Address

E-Mail

Phone
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: __________________________
Address: ________________________________
E-Mail: ________________________________
Phone: ________________________________

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: ________________________________
Address: ________________________________
E-Mail: ________________________________
Phone: ________________________________
I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: ROSE BRYAN
Address: PO 27 Gorman Station
E-Mail:  
Phone: 248-6124

---

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: DAVE LONG
Address: PO Box 1702 Frazier Park Ca. 93225
E-Mail: N/A
Phone: 661) 993-8259
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: RAMC MAC
Address: 5672 Caddy Valley Rd
E-Mail: mag@fraziercon.com
Phone: 661 245 6750

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: MB MAMA
Address: 5672 Caddy Valley Rd
E-Mail: mag@fraziercon.com
Phone: 661 245 6750
I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Kelly Mielke
Address  905 Glenbrook Dr. Frazier Park CA 93225
E-Mail  kel[FRAZ^]mtn.com
Phone  (661) 245-6663

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Mary Miller
Address  P.O. Box 477
E-Mail  MaryM@FRAZ^mtn.com
Phone  (661) 248-0180
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME:  BOB MILLS
Address:  P.O. BOX 1315
E-Mail:  loco/bob7 @ att.net
Phone:  061-248-3985

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME:  HANNI MOSIO
Address:  808 JIMIE CT. F P
E-Mail:  
Phone:  245-5648
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Scott Parsons
Address: POB 6322, PM C 93222
E-Mail: scottp@parsonsweb.net
Phone: (661) 242-1214

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: James Zoppe
Address: 15568 Greenleaf Springs Rd.
E-Mail: redknight@jamezoppe.com
Phone: (661) 245-4000
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  C. Nelson
Address  P.O. Box N, Pine Mtn Club, CA 93222
E-Mail  cnelson@frazermtn.com
Phone  242-8258

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Harry Nelson
Address  P.O. Box N, Frazier Pk.
E-Mail  nelson@frazern.com
Phone  242-8258
I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Connie Baldwin
Address  P.O. Box
E-Mail  sky4700@juno.com
Phone  242-1003

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME  Dawn Beran
Address  9501 Whispering Pines
E-Mail  dberan@bigvalley.net
Phone  (561) 245-2294
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME...

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Todd Bowen
Address: PO Box 5261 P.O. Box
E-Mail: tbowen@earthlink.net
Phone: (661) 315-1141

I KNOW I NEED MORE TIME....

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Pam DeVries
Address: PO Box 5172 P.O. Box, CA 93222
E-Mail: pdevries@californiastateuniv.com
Phone: (661) 315-1574
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Roy Wells
Address: 3712 Adams Tr.
E-Mail: wvw@willow.com
Phone: 661.245.0789

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Sonya Waters
Address: 1229 Leisure Lane
E-Mail: 
Phone: 661-245-7627
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: JUDITH WATERS
Address: PO BOX 353, FRAZIER SPRINGS, CA 93225
E-Mail: 
Phone: 

I KNOW I NEED MORE TIME.

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Chris Vaughn
Address: PO BOX 497, 93225
E-Mail: 5LOANE75@YAHOO.COM
Phone: (661) 245-3187
I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Larry Waitc
Address: 805 S. Bosque Dr. 73275
E-Mail: 
Phone: 245-1663

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Mel Weinsten
Address: 2312 S. Avona Dr. - PH C
E-Mail: mel fotog@yahoo.com
Phone: 661-242-2217
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Peace J. Smith
Address: 861 Candy Canyon Rd
E-Mail: peace5987@ AOL. Co.
Phone: 661-248-6286

I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Raj Sethi
Address: PO Box 670, FO 93225
E-Mail: RAJ RAJ SETHI @ netscape. net
Phone: 661-242-0923
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.

I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Frank Sanchez
Address: 6861 PMC CA
E-Mail: 
Phone: 242-1425

I KNOW I NEED MORE TIME...

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.

I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Jane A Robinson
Address: PO Box 277
E-Mail: 
Phone: 
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same timeframe make this a reasonable request.

NAME: Schmitt
Address: P.O. Box 1768 805 Lassen # 864
E-Mail: 
Phone: (661) 245-6239

I KNOW I NEED MORE TIME...
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same timeframe make this a reasonable request.

NAME: Kathleen Weinstein
Address: 2312 Glorieta Dr. PHC
E-Mail: meffton@ymail.com
Phone: 661-242-2221
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Tony Wittman
Address: 17780 Polo Dr, BF, CA 93218
E-Mail: 
Phone: 

NAME: Kay Vacapetra
Address: PO Box 90640, Bakersfield, CA
E-Mail: 
Phone: 

Comment Letter 59, Cont.

I KNOW I NEED MORE TIME

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME JEFF ROBINSON
Address PO Box 2372
E-Mail
Phone

I KNOW I NEED MORE TIME....

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME FRED ROSE
Address 2567 Lenna Rd., Lebec, CA
E-Mail roseclan@sbcglobal.net
Phone 213-2007
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: [Redacted]
Address: [Redacted]
E-Mail: [Redacted]
Phone: 213-480-17

I KNOW I NEED MORE TIME
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NAME: [Redacted]
Address: [Redacted]
E-Mail: [Redacted]
Phone: [Redacted]
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME....

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I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: [Signature]
Address: [Address]
E-Mail: [E-Mail]
Phone: [Phone]

I KNOW I NEED MORE TIME....

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I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: [Signature]
Address: [Address]
E-Mail: [E-Mail]
Phone: [Phone]
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME
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I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Doug Peters
Address: 126 Pine
E-Mail: clwpeters@sbcglobal.net
Phone: 661 245-3498

I KNOW I NEED MORE TIME....
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects.
I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Horst Baldin
Address: P.O. Box 5084
E-Mail: bluemay 93222@yahoo.com
Phone: 242-1003
I KNOW I NEED MORE TIME
I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Tom Haugen
Address: 6541 Lowry Lane
E-Mail: thaugen@poetworld.net
Phone: 661-245-3840

I KNOW I NEED MORE TIME
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NAME:
Address: 
E-Mail: 
Phone: 
Comment Letter 59, Cont.

I KNOW I NEED MORE TIME
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NAME

Address

E-Mail

Phone

I KNOW I NEED MORE TIME
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NAME

Address

E-Mail

Phone
I KNOW I NEED MORE TIME...

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NAME: Mary Ann Eckhart
Address: PO Box
E-Mail: fell@frazierpark.com
Phone: [Redacted]

I KNOW I NEED MORE TIME

I, a resident of the Mountain Communities, respectfully request a 180 day extension of the public comment period for both the Tejon Mountain Village and Frazier Park Estates projects. I feel that the amount of material to be read and commented on and the fact of these two major and high impact projects sharing the same time frame make this a reasonable request.

NAME: Joseph A. Aranaeda
Address: 955 Snedden Way
E-Mail: [Redacted]
Phone: 310-350-7455.
Comment Letter 59. Requests for Comment Period Extension – 81 Letters

Commentors

Defenders of Wildlife
Yolanda Gefter
Mel Weinstein
The Center on Race, Poverty & the Environment
Keats Gefter
Horace J. Smith
Rand Havener
Raj Sethi
California Water Impact Network
High Mountain Market
Frank Sanchez
Santa Clarita Organization for Planning and the Environment
James Lockhart
Jane Robison
Rose Bryan
June Schmidt
Center for Biological Diversity
Dave Long
Kathleen Weinstein
TriCounty Watchdogs
Frank Maga
Tony Wittman
Harry Nelson
Michelle Maga
Kay Yacopetti
Fay Benbrook
Kelly Mielke
Jeff Robison
Eric Anderson
Mary Miller
Fred Rose
Wallis and Esther Pereira
Bob Mills
Ron Quidany
Mar Preston
Hanni Mosio
Mary Preston
Gayle Gentile-Royal
Scott Parsons
Mary Pratt
Janet Dauble
James Zoppe
Kumari Portman
Mary Ann Lockhart
Anita Nelson
Doug Peters
Paul Wheeler
Harry Nelson
Horst Baldwin
Karen Jarvis
Connie Baldwin
Tom Haugen
Greg Keenberg
Dawn Beban
Michelle Hoefner
Janice Keenberg
Tona Bowen
Richard Hoefner
Chris Kelly
Pam DeVries
Andrew Horn
John Kelly
Roy Wells
Mary Ann Lockhart
Ellen Keowen-Cox
Harry Waters
Joseph Ariandeda
Tom Duquette
Judith Waters
Michael Farrell
Chris Vaughn
Sam Flame
Larry Waite

Response to Comment 59a.

The Kern County Planning Department received 81 comments requesting an extension of the 45-day public review comment period for the Draft EIR for Tejon Mountain Village, via a petition and individual comments. The comments made reference to the release of not only the Draft EIR for Tejon Mountain Village but also the Kern County Planning Department's release of another project EIR in the mountain area, the Frazier Park Estates Recirculated Draft EIR, and the public review period for the Tehachapi Uplands Multiple-Species Habitat Conservation Plan (TUMSHP).

The 45 days required by CEQA have been established to provide an initial review of the Draft EIR and the Project. The review period established on the notice of availability (NOA) for the Draft EIR ended on July 13, 2009. Section 15087(e) of the State CEQA Guidelines provides that the public review period shall be at least as long as the review period established by the State Clearinghouse.

Public access and opportunity for comment has been facilitated by providing full hard copies of the document to the Kern County Library, Frazier Park Branch, providing full hard copies to the Mountain Enterprise newspaper, which provided access at its offices in Frazier Park during hours the library was closed, and by posting the document on the Kern County Planning Department website. Full copies of all documents were available at the Kern County Planning Department at 2700 M Street during normal
business hours. A copy of this Final EIR – Chapter 7, Response to Comments will be available to the commentors for two full weeks before the Planning Commission hearing.

Kern County will continue to accept public comments on the proposed Final EIR and the Project until the close of the public hearing to be held by the Kern County Board of Supervisors. This process ensures all comments are considered throughout both the Planning Commission and Board of Supervisors hearings. The Kern County Planning Department considered the requests for extension and determined that there were no unusual circumstances, criteria referenced in Section 15105(a) of the CEQA Guidelines, that would justify an extension of the time period. A copy of the Kern County Planning Department's letter of determination is included on the following page.
To: Interested Parties

July 6, 2009

RE: Tejon Mountain Village Specific and Community Plan Draft Environmental Impact Report Request for Extension of the CEQA public review period

Dear Interested Party:

The Kern County Planning Department has received your request for an extension of the time period for public review of the Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village Specific and Community Plan. The 45 days required by CEQA has been established to provide an initial review of the DEIR and the project. The Kern County Planning Department will accept all comments on the DEIR and project throughout the entire process until the close of the public hearing at the yet to be scheduled Kern County Board of Supervisors public hearing. This process ensures that comments will be considered and responses (both written and verbal) are provided through the Planning Commission and Board of Supervisors hearings. All comments will be included in the record for the project.

Based on this open and on-going comment period, no extension of time is being granted for the DEIR public review period. The DEIR public review period ends on July 13, 2009 at 5:00.

The Planning Commission hearing has been scheduled for August 13, 2009 at 7:00 and public notices are being sent by mail to all parties on the mailing list. The Board of Supervisors Hearing is required to be considered at a General Plan window and it is anticipated this project will be considered in September.

Please continue to send all comments on this project to the staff planner – Craig Murphy at Kern County Planning Department, 2700 M Street, Suite 100, Bakersfield, California, 93301, email at Murphyc@co.kern.ca.us or call at (661) 862-8739. Thank you for your participation in the public review process for this project. Your comments are very important to us as we formulate a recommendation for the proposed project.

Sincerely,

Lorelei H. Oviatt, AICP
Division Chief

cc: Supervisor Maben
    Supervisor Watson
    Tejon Mountain Village, LLC
7.7 References

Air Quality & Climate Change

Printed References


California Air Resources Board (CARB). 2009a. *Forested Lands and Wood Products Biodegradable Carbon Emissions & Sinks (MMTCO2).*


Personal Communications

Biological Resources
Printed References


**Geology & Soils**

Printed References


**Hazards & Hazardous Materials**

Printed References


Federal Aviation Administration. 1978. Letter from Raymond G. Belanger, Director, Air Traffic Service to Paul H. Riley, Alternate DOD Representative to FAA.


**Hydrology & Water Quality**

Printed References


**Land Use & Planning**

**Printed References**


**Personal Communications**

Bjorn, T., General Counsel, Tejon Ranch Company, Lebec, CA. 2009.

**Public Services**

**Printed References**


**Recreation**

Printed References


**Transportation & Traffic**

Printed References


**Utilities & Service Systems**

**Printed References**
