Chapter 7
Response to Comments
to
Supplemental Recirculated Environmental Impact Report

SCH# 2014041005

Volume 16

GRAPEVINE SPECIFIC AND COMMUNITY PLAN (2019)
Tejon Ranchcorp

Specific Plan Amendment No. 157, Map 500
General Plan Amendment No. 9, Map 202
General Plan Amendment No. 10, Map 202
General Plan Amendment No. 4, Map 218R
General Plan Amendment No. 5, Map 218R
General Plan Amendment No. 11, Map 219
General Plan Amendment No. 12, Map 219
Special Plan No. 2, Map 202
Special Plan No. 3, Map 218R
Special Plan No. 3, Map 219
Zone Change Case No. 18, Map 202
Zone Change Case No. 3, Map 218R
Zone Change Case No. 14, Map 219
Agricultural Preserve #19 - Exclusion

Kern County
Planning and Natural Resources Department
Bakersfield, California

October 2019

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PLANNING AND NATURAL RESOURCES DEPARTMENT

Planning
Community Development
Administrative Operations

October 30, 2019

File: SPA 157, Map 500; GPA 9, Map 202; GPA 10, Map 202; GPA 4, Map 218R; GPA 5, Map 218R; GPA 11, Map 219; GPA 12, Map 219; SP 2, Map 202; SP 3, Map 218R; SP 3, Map 219; ZCC 18, Map 202; ZCC 3, Map 218R; ZCC 14, Map 219; Ag Pres. #19 Excl.

ADDRESSEE LIST (See Distribution List)

Re: Response to Comments on the Grapevine Specific and Community Plan by Tejon Ranchcorp (2019) SREIR (SCH 2014041005)

Dear Interested Party:

Enclosed is a document entitled Chapter 7 - Response to Comments, for the above-referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Supplemental Recirculated Environmental Impact Report (SREIR) and prepare a written response addressing each comment. This document is Chapter 7 of the Final SREIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on November 14, 2019 at 7:00 p.m. or soon thereafter, at the Chambers 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 this letter, please contact Cindi Hoover, Planner II, at (661) 862-8629 or hooverc@kerncounty.com.

Sincerely,

Cindi Hoover, Planner II
Advance Planning Division

COMMENTING AGENCIES AND INTERESTED PERSONS: Nancy Finch - California Department of Water Resources; Lorena Mendibles- State of California Department of Transportation District 6; Nancy Finch – California Department of Water Resources; Emily Loera – State of California Department of Conservation Division of Oil, Gas, and Geothermal Resources; Rohit Sharma - State of California Department of Conservation Division of Oil, Gas, and Geothermal Resources; Cameron Campbell - State of California Department of Conservation Division

of Oil, Gas, and Geothermal Resources; C. Fouyer, Lieutenant - Department of California Highway Patrol; Eric McLaughlin – San Joaquin Valley Air Pollution Control District; Brian Blase - Kern County Public Works Floodplain Management Section; Warren D. Maxwell - Kern County Public Works Building and Development Division; Tiffany Yap - Center for Biological Diversity; J.P. Rose - Center for Biological Diversity; Theresa Rettinghouse - Center for Biological Diversity; Nicolas Jensen - California Native Plant Society; Susan Zahnter - TriCounty Watchdogs; Mike Campisi – SoCalGas; Glen Mears – Plains All American Pipeline, L.P.; Emery Rendes – Golden Empire Transit District; Kathleen Weinstein; Janine Tominaga

Grapevine 2019
cc 10/22/2019
I:\Planning\WORKGRPS\PLN\Advanced Planning\EIR\Active\Grapevine - Tejon\SREIR\RTC\RTC Notification List.doc

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October 2019

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7.1 Introduction

Purpose

The Kern County Planning and Natural Resources Department prepared and circulated a draft and final environmental impact report (FEIR) for the Grapevine Specific and Community Plan in 2016. The Kern County Board of Supervisors unanimously approved the Grapevine Project (project) and certified the FEIR on December 6, 2016. A lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with California Environmental Quality Act (CEQA) requirements was filed on January 4, 2017 (Center For Biological Diversity et al. v. County Of Kern et al., Kern County Superior Court Case No. BCV-17-100030-KCT). On February 15, 2019, the Court issued a Writ of Mandate and a Judgment upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's vehicle trip internal capture rate (ICR) was lower than analyzed in the FEIR (2016). The Judgment directed the County to set aside the project approvals and decertify the FEIR (2016). The County Board of Supervisors rescinded the approvals and decertified the FEIR (2016) on March 12, 2019.

On March 14, 2019, the County received an application for the readoption of the Grapevine Specific and Community Plan and other County discretionary approvals, including related General Plan and Zoning Code amendments. The proposed project, with minor adjustments on the Special Plan, and the requested County discretionary approvals described in the application, are the same as those considered in the FEIR (2016). As defined by Section 15050 of the CEQA Guidelines, the Kern County Planning and Natural Resources Department is serving as "Lead Agency" for the preparation of the Supplemental Recirculated Environmental Impact Report (SREIR) for the project. The purpose of the SREIR is to correct the specific deficiencies identified by the Court by evaluating potential traffic, air pollution, greenhouse gas, noise, public health and growth-inducing impacts that could occur from lower ICRs than evaluated in the FEIR (2016). The Final SREIR presents the environmental information and analyses that have been prepared for the project, including comments received addressing the adequacy of the Draft SREIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft SREIR. The Final SREIR, which includes the responses to comments, the Draft SREIR, and the Mitigation, Monitoring, and Reporting Program, will be used by the Planning Commission and Board of Supervisors in the decision-making process for the project.

Environmental Review Process

A Notice of Preparation / Initial Study (SCH No. 2014041005) was circulated for a 32-day public review period beginning on April 12, 2019, and ending on May 13, 2019. Ten comment letters were received during the scoping process. One individual presented oral comments during the May 3, 2019, scoping meeting. Both the written and oral comments received during the scoping process were used in the preparation of the Draft SREIR. The Draft SREIR for the project was circulated

for a 47-day public review period beginning on August 29, 2019, and ending on October 14, 2019. A total of 16 written comment letters were received on the Draft SREIR.

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 SREIR and prepare a written response addressing the comments received. The response to comments is contained in this document—Volume 16, Chapter 7 of the Draft SREIR. Volumes 1 through 16 together constitute the Final SREIR.

A list of agencies and interested parties who have commented on the Draft SREIR is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided in Section 7.4, *Response to Comments*, of this chapter.

Table 7-1. Comment Letters Received on the Draft SREIR

Letter No.	Commenter	Date
	Federal	
N/A	No federal agencies submitted comments in response to the Draft SREIR.	N/A
	State	
1	Department of Transportation District 6	10/14/19
2	Department of Water Resources	10/14/19
3	Department of California Highway Patrol	10/10/19
4A	California Department of Conservation Division of Oil, Gas, and Geothermal Resources	9/26/19
4B	California Department of Conservation Division of Oil, Gas, and Geothermal Resources	10/14/19
	Local	
5	San Joaquin Valley Air Pollution Control District	10/9/19
6	Golden Empire Transit District	9/13/19
7	County of Kern Public Works Department - Administration & Engineering	10/10/19
8	SoCalGas Transmission Department	9/24/19
9	Kern County Public Works Department Floodplain Management Section	9/5/19
	Interested Parties	
10	Center for Biological Diversity and California Native Plant Society	10/14/19
11	TriCounty Watchdogs	10/14/19
12	Plains All American Pipeline L.P., Pacific Pipeline System LLC	9/10/19
13A	Kathleen Weinstein	10/13/19
13B	Kathleen Weinstein	10/14/19
14	Janine Tominaga, Property Owner, Frazier Park, CA	9/14/19

7.2 Revisions to the Draft SREIR

The revisions that follow were made to the text of the Draft SREIR. Amended text is identified by page number. Additions to the Draft SREIR text are shown with <u>underline</u> and text removed from the Draft EIR is shown with ~~strikethrough~~. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft SREIR and do not result in an increase to any

identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made which would require recirculation of the Draft SREIR pursuant to CEQA Guideline 15088.5 (Recirculation of an EIR Prior to Certification).

Chapter 1, Executive Summary and Chapter 4, Section 4.16 Transportation and Traffic

Chapter 1, Page 1-141 and Chapter 4, Page 4.16-62

MM 4.16-7 Prior to the issuance of any occupancy permit that would facilitate development within the project site that could be accessed utilizing the existing I-5/Grapevine Road interchange, the project proponent shall be required to consult with Caltrans and ~~identify~~ implement appropriate interchange enhancements by relocating northbound and southbound exit and entrance ramps approximately ½ mile to the north, and other improvements such as ~~implementing gore points,~~ auxiliary lanes, acceleration lanes, lighting, and signage~~, and relocation of Northbound and Southbound exit and entrance ramps approximately ½ mile to the north~~.

7.3 Errata to the Draft SREIR

After the hearing by the Kern County Planning Commission on October 27, 2016, for the project, the California Department of Fish and Wildlife (CDFW) consulted with County staff regarding mitigation measure updates that had been made in response to CDFW's letter, in the FEIR (2016), and requested further edits. Staff made these additional minor edits and presented them to the Board of Supervisors for adoption in the December 6, 2016, Kern County Board of Supervisors Staff Report for the project, and the December 6, 2016, Kern County Board of Supervisors Addendum Staff Report for the project. The Board of Supervisors adopted the project and certified its FEIR (2016) with these edits incorporated in the final adopted Mitigation Monitoring and Reporting Program (MMRP).

Upon publishing the mitigation measures in the SREIR, which had not been changed since originally adopted by the Board of Supervisors in 2016, the County inadvertently omitted these minor mitigation measure updates. The Lead Agency therefore herein provides the mitigation measure updates in underline for new language and ~~strikethrough~~ for deleted language. These inadvertent omissions are a minor clarification, and the Lead Agency notes that all of the updates make the mitigation measures more, not less, protective. No new significant environmental impact would result from the changes. Therefore, no significant revisions have been made which would require recirculation of the Draft SREIR pursuant to CEQA Guideline 15088.5 (Recirculation of an EIR Prior to Certification).

Chapter 1, Executive Summary

Pages 1-63 through 1-92

Changes are shown in underline for added text and ~~strikeout~~ for deleted text.

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
Biological Resources			
Impact 4.4-1: Have a Substantial Adverse Effect, Either Directly or through Habitat Modifications, on any Species Identified as a Candidate, Sensitive, or Special Status Species in Local or Regional Plans, Policies, or Regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	Significant	Implement Mitigation Measures MM 4.3-1 through MM 4.3-4, as described in Section 4.3, *Air Quality*, and Mitigation Measure MM 4.9-1 through MM 4.9-8, as described in Section 4.9, *Hydrology and Water Quality*, and Mitigation Measure MM 4.12-1, as described in Section 4.12, *Noise*. MM 4.4-1 Prior to issuance of a grading or building permit, the project proponent shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by U.S. Fish and Wildlife Service (USFWS) to oversee compliance with protection measures for all listed and other special-status species. All appropriate contact information for the selected biologist shall be provided to the Planning and Natural Resources Department. The Lead Biologist, or their Designated Compliance Manager (other qualified biologists designated by the Lead Biologist to perform the Lead Biologist function), shall be on the project site during construction of any perimeter fencing or grading activities throughout construction phases. The Lead Biologist shall have the right to halt all activities that are in violation of the special-status species protection measures. Work shall proceed only after hazards to special-status species have been appropriately addressed through compliance with required mitigation measures and appropriate consultation with USFWS and California Department of Fish and Wildlife (CDFW) when appropriate. The Lead Biologist shall have in his/her possession a copy of all the compliance measures while work is being conducted on the project site. In addition to the above listed duties, the Lead Biologist or their Designated Compliance Manager shall be responsible for implementation of the following provisions: a. Construction Work Hours ~~The project Lead Biologist~~ Night work and associated lighting shall ~~ensure that~~not be permitted during initial ground disturbance construction activities~~ within 50 feet of the outside edge of the project footprint 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, security patrols, and emergency	Significant and unavoidable

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		(defined by an imminent threat to life or significant property) activities. Lighting ~~for maintenance~~ shall be minimized and directed away from natural areas. ~~Night work shall not be permitted during construction except if maintenance is required or in cases of emergency.~~ b. Flagging/Fencing/Demarcation The project Lead Biologist shall designate the construction area and any buffer zones using highly visible materials in the field and review with the contractor in accordance with the final grading plan. State-jurisdictional channels or wetland/ riparian areas within 50 feet of the construction area to be preserved will also be demarcated in the field and avoided. c. Debris/Non-Native Vegetation/Pollution The project Lead Biologist shall monitor construction to ensure: 1) Fully covered trash receptacles that are animal-proof will be installed and used to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles will be removed at least once a week from the construction site. 2) No litter, construction materials, or debris will be discharged into state-jurisdictional waters. 3) All uses of weed and pest control compounds shall comply with the application restrictions mandated by the U.S. Environmental Protection Agency and the California Department of Pesticide Regulation. 4) Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter and micro trash ~~and litter~~ (for example, anything shiny, such as broken glass), vehicle fluid containers, and food waste from the project area on a daily basis. 5) No construction material shall be stockpiled in the streambed, banks, or channels, except that native vegetation removed from the channel may be chipped and the chips used as mulch for disturbed sites in or near the work sites. 6) All disturbed invasive plants, such as tamarisk, shall be removed from the work site and not used in mulching, composting, etc. If weed biomass must be removed from the site to a designated disposal area, propagules shall be secured in a tarp (without holes or rips) and then carried to a vehicle. Biomass shall be properly wrapped to prevent plant parts from blowing away in transit, and vehicles carrying weed biomass shall be inspected prior to leaving the site to ensure that no plant parts are resting on the bumpers, tailgates, or other exposed areas. d. Vehicle and Equipment Restrictions and Maintenance The project Lead Biologist shall monitor construction to ensure:	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		1) Maximum construction vehicle speed will be 15 miles per hour (mph) within the project footprint. ~~Nighttime construction should be minimized to the extent possible. However, i~~If nighttime ~~construction or construction-related activity (e.g., ~~maintenance, security patrols, and emergency (defined by an imminent threat to life or significant property) activities are~~ equipment maintenance) is~~ necessary, then the speed limit shall be 10 mph. 2) Vehicle operation within state-jurisdictional waters requires compliance with Fish and Game Code Section 1600 and when surface water is present will be prohibited. Any equipment or vehicles driven and/or operated within or adjacent to a state-jurisdictional channel will be checked and maintained by the operator daily to prevent leaks of oil or other petroleum products that could be deleterious to aquatic life if introduced to the watercourse. 3) Vehicles and equipment access will be limited to ~~the~~ areas that will be directly impacted by project construction ~~footprint~~ and ingress and egress on existing roads. 4) Staging and storage areas for spoils, equipment, materials, fuels, lubricants, and solvents will be located a minimum of 50 feet outside of the state-jurisdictional channels and within the designated project footprint. Stationary equipment, such as motors, pumps, generators, compressors, and welders, located within or adjacent to state-jurisdictional waters may only be conducted consistent with Fish and Game Code 1600 and shall be positioned over drip-pans or other containment. Prior to refueling and lubrication, vehicles and other equipment shall be moved away from the state-jurisdictional channels. 5) Construction vehicle and equipment access routes within the P~~p~~roject site will be clearly identified and will be restricted to existing roads and overland travel will be minimized and confined to areas where development will occur. e. Erosion/Silt The project Lead Biologist shall monitor construction to ensure: 1) During construction activities, temporary erosion control devices, such as straw bales, silt fencing, and sand bags, shall be used to prevent siltation in state-jurisdictional areas. Coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall be composed of natural-fiber, biodegradable materials; photodegradable or other plastic erosion control materials shall be prohibited. 2) Silt settling basins installed during the construction process will be located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes.	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		f. Other Restrictions on Construction Activities and Personnel The project Lead Biologist shall monitor construction to ensure: 1) During construction, no pets, such as cats or dogs, ~~should~~ will be permitted on the project's construction sites. 2) No commercial hunting will be authorized or permitted on a portion of the project site under construction. 3) Any contractor, employee, or agency personnel who are responsible for inadvertently killing, injuring, or trapping a listed species (e.g., San Joaquin kit fox, blunt-nosed leopard lizard) shall immediately report the incident to the project Lead Biologist. The project Lead Biologist shall contact the U.S. Fish and Wildlife Service (USFWS) (for federal Endangered Species Act (FESA) species) and California Department of Fish and Wildlife (CDFW) (for California Endangered Species Act (CESA) species) immediately in the case of a dead, injured, or entrapped listed species. The Sacramento USFWS Office and CDFW shall be notified in writing within 3 working days of the accidental death or injury to a listed species during project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at 2800 Cottage Way, Suite W-2605, Sacramento, California 95825-1846, 916.414.6620 or 916.414.6600. The CDFW Central Region office is located at 1234 East Shaw Avenue, Fresno, California 93710, 559.243.4005. 4) To prevent inadvertent entrapment of San Joaquin kit fox during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day, or be provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped San Joaquin kit fox. If trapped San Joaquin kit fox are observed, escape ramps or structures shall be installed immediately to allow escape. If San Joaquin kit fox are trapped, the USFWS and CDFW shall be contacted. 5) All pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for San Joaquin kit fox before the pipe is subsequently buried, capped, or otherwise used or moved in any way. ~~If San Joaquin kit fox is discovered inside a pipe, the project biologist shall flush the species from the pipe.~~ If San Joaquin kit fox is discovered, that section of pipe shall not be moved until the USFWS and/or CDFW	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		has been consulted. If necessary, under the direct supervision of the project biologist, the pipe may be moved once to remove it from the path of construction activity until the species has escaped. g. Biological Monitoring and Compliance Documentation The project Lead Biologist shall be responsible for maintaining a database and/or tracking the following during construction: 1) Document that required pre-construction surveys, avoidance, mitigation, and/or relocation efforts that have been implemented. 2) Document compliance with construction measures (b)-(f) above. 3) Document compliance with worker training. h. Project Fencing Design Requirements. Prior to approval of any tentative tract map, the Pproject Pproponent shall provide evidence that the project Lead Biologist has reviewed the map to confirm that (i) the map includes fencing ~~where necessary~~ along the multiuse trail border with the creek corridors and south of Edmonston Pumping Plant Road to protect the creek corridor and southern foothills open space from trespass, and (ii) the fencing location and design in and adjacent to open space preserves wildlife passage through the project site (appropriate fencing design includes the following: cattle fences consisting of strands of ~~barbed~~ smooth-bottom wire, "hog-wire" fences commonly used to keep sheep out with mesh openings measuring 6 inches (15 centimeters) on each side, decorative fencing with suitable gaps (minimum of approximately ~~3.5~~4 inches in width), and raised fences a ~~few~~ minimum of 6 inches off the ground. Standard chain-link fence is prohibited in the OA District and prohibited elsewhere unless required for health and safety and includes slats ~~not recommended)~~. i. Kit Fox Habitat Enhancement Requirements In association with the grading plan for the first phase of development in each planning area, implement the San Joaquin Kit Fox Escape Dens and Fencing Plan (Attachment A-4 to EIR Appendix F), and any revisions required by CDFW and/or USFWS, in the associated planning area OA District by overseeing installation of habitat enhancement activities including the creation of escape dens (e.g., 10–20 feet long and 8–10 inches in diameter covered pipes with exposed ends) for San Joaquin kit fox in on-site conservation areas, including Grapevine Creek, the tributary to Cattle Creek, areas north and south of the California Aqueduct right-of-way, and areas along the northern portion of the project site west of I-5. j. Blasting Requirements If blasting is required, applicable federal, state, and local requirements would be observed, and any necessary permits and authorizations would be obtained. Best Management	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		Practices Guidelines developed by the Institute of Makers of Explosives (IME) would be implemented. To avoid impacts to special-status biological resources, blasting would occur during the rough-grading activities of construction phase of the project only between the hours of 10:00 am and 4:00 pm. To avoid potential affects to birds, blasting would outside of the nesting bird season (i.e., no blasting shall occur between September 15 to February 15). Additionally, no blasting will occur within 1 mile of the winter perch for bald eagle during the winter season (October 15 and March 15). Prior to blasting, a blasting monitoring team including the project biologist and one acoustician would be formed. The project biologist would assess and provide guidance related to the criteria for impact on any nearby noise sensitive species. The acoustician should have a minimum of five years of acoustical measurement experience and would be responsible for the blast noise and vibration measurements. Blasts should be measured with a calibrated Type 1 sound level meter set to the fast or impulse integration response. If possible, the low frequency cut off should be set as low as possible, ideally 2 Hz or lower. Peak sound levels should be measured at a known distance from blast between the blast site and the noise sensitive species habitat (identified by the project biologist). If the project biologist sees fit, the low frequency cut off requirement may be waived or adjusted to address the sensitive species in the area. If measured peak levels exceed the criteria, blasts shall be altered in a way to reduce the impact. Such mitigation efforts may include reducing the explosive material, altering the packing and placement of the explosive material, or changing the location of the blasting efforts. The biologist has the authority to stop blasting efforts or advise the blast team on the method of mitigation. MM 4.4-2 The project shall conserve on-site and off-site open space. On-Site Mitigation Area. Prior to the issuance of a grading permit for the first phase of development proposed to the east of I-5, the P~~p~~roject P~~p~~roponent shall record a deed restriction or other instrument approved by the County over the designated Open Area (OA) District for planning areas 3, 4, 5a-b, and 6a-e (OA District to east of I-5). Prior to the issuance of a grading permit for the first phase of development proposed to the west of I-5, the project proponent shall record a deed restriction or other instrument approved by the County over the designated Open Area District for planning areas 1 and 2 (OA District west of I-5). Off-Site Mitigation Area. Prior to issuance of grading permits for each Plan Area, the project proponent shall mitigate for the loss of special-status species habitat by recording a conservation easement over the Off-Site Mitigation Area and 87 acres to the north of the California Aqueduct over the corresponding acreage amount outlined below. In total, depending on the ultimate habitat	

		area impacted, approximately 7,372 acres of habitat land will be preserved. No paved or lighted trails will be permitted in these mitigation areas. The mitigation would be dedicated by planning area and based on the impacts to kit fox habitat. If the project proponent records a conservation easement or deed restriction over a greater mitigation area in one phase, the next phase may be correspondingly reduced. The mitigation required is as follows: • Plan Area 1 – 615 acres • Plan Area 2 – 1,612 acres • Plan Area 3 – 1,381 acres • Plan Area 4 – 1,121 acres • Plan Area 5a – 930 acres • Plan Area 5b – 0 acres (On-site dedication fulfills mitigation requirement) • Plan Area 6a – 0 acres (On-site dedication fulfills mitigation requirement) • Plan Area 6b – 4 acres • Plan Area 6c – 568 acres • Plan Area 6d – 498 acres • Plan Area 6e – 484 acres • Off-Site Impact Areas – 71 acres to be added to the first grading permit. MM 4.4-3 Environmental Awareness Training and Compliance Worker Environmental Awareness Program. Prior to issuance of grading or building permit and for the duration of construction activities, the Pproject Pproponent shall demonstrate it has in place a Worker Environmental Awareness Program (WEAP) for all construction workers at the project site. The Lead Biologist shall ensure all construction personal on-site complete WEAP training prior to conducting any ~~construction~~ project related activities on-site. As part of the WEAP training, the project Lead Biologist shall perform the following training-related tasks: a) Provide the training materials for WEAP training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations, etc.); the location and mitigation requirements for waters of the state; and applicable fire protection measures. The WEAP training will also provide educational materials describing condor protection measures, including where condors potentially occur within the Grapevine 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 micro trash that could be ingested by adult breeding condors and describe measures to eliminate micro trash on and near all construction sites, recreational areas, roads, and backcountry locations where human presence has occurred. WEAP training will also include driver training to avoid and minimize collision risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		b) Send a copy of all WEAP training materials to the Planning and Natural Resources Department. c) Maintain a list on-site of all employees who have undergone WEAP training. A copy of this list shall be provided to the Planning and Natural Resources Department as necessary. MM 4.4-4 Pre-Construction Surveys and Avoidance, Minimization and Mitigation Measures for Special Status Species. Prior to issuance of grading or building permit, the Pproject Pproponent shall conduct appropriate pre-construction surveys as identified below. 1. Bat Roosts for Pallid Bat, Western Mastiff Bat, Western Red Bat, Townsend's Big-Eared Bat a) Pre-Construction Surveys: No earlier than one year prior to the commencement of construction activities for each construction area, a pre-construction survey shall be conducted by 2 qualifiedthe project biologists to establish areas of roosts occupancy of special-status bats (including maternity roosts, non-maternity roosts, and winter hibernacula) are present in the project disturbance zone andor within 300 feet of the project disturbance zone boundary. The surveys shall be conducted by the Lead Biologist and consist of: i. TwoOne spring surveys (April through June) and twoone winter surveys (November through January); ii. Each survey consists of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Pproject site; iii. Conduct each survey within one 24-hour period; iv. Focus visual inspections on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering); and v. Use bat detectors, bat call analysis and visual observations during all dusk emergence and pre-dawn re-entry surveys. Data collection for each survey shall include the following information: i. Whether bats are, or have been, present at roosts on the Pproject site; ii. Assemblage of species using the site for roosting; iii. Type of roost (i.e., maternity roost, day roost, night roost, feeding perch, mating roost, satellite roost, transitional roost or winter hibernaculum);	

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		iv. Location, ambient temperature, internal dimensions and the aspect and orientation of the roost; v. Spatial and temporal distribution of bat roosting activity; vi. Flight paths, exit and entrance points; vii. Number of bats, time and duration of use observed during roost surveys; viii. Photographs; and ix. Identification of any survey constraints. If roosts are detected during pre-construction surveys, the following avoidance measures will be implemented unless relocation and/or take is authorized under California Endangered Species Act (CESA), as required by applicable law. b) Avoidance Measures Fencing Installation i. *For Maternity Roosts:* If an active maternity roost is identified in these areas, the maternity roost will not be ~~directly disturbed, and some construction activities, such as mass grading or other activities involving heavy equipment, within 300 feet of the maternity roost may be postponed or halted~~ or indirectly disturbed by prohibiting clearing and grubbing adjacent to the roost site, prohibiting lighting use near the roost site where it would shine on the roost or interfere with bats entering or leaving the roost, prohibiting the bird netting and prohibiting the operation of internal combustion equipment, such as generators, pumps and vehicles within 300 feet of the roost site until the maternity roost is vacated and juveniles have fledged, as determined by the project biologist. The rearing season for native bat species in California is approximately April 1 through August 31. ii. *For Hibernacula or Non-Maternity Roosts:* If non-breeding bat roosts (hibernacula or non-maternity roosts) are found within the disturbance zone, the following shall be implemented: a. Avoid direct and indirect impacts to roosting sites by ~~establishing a no-disturbance buffer~~ prohibiting all project-related activities within 100 feet of the roost. ~~300 feet around roost sites.~~ b. Additionally, within 300 feet of the roost, p~~P~~rohibit clearing and grubbing adjacent to the roost site and lighting use near the roost site where it would shine on the roost or interfere with bats entering or leaving the roost. Prohibit the operation of internal combustion equipment, such as generators, pumps	

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		and vehicles, and ~~within 300 feet of the roost site. Prohibit~~ the use of bird netting. c. If avoidance of roost sites is infeasible, maintain portions of the features that provide naturalized habitat to the greatest extent possible and improve existing roost sites and/or provide new roost sites on buildings or on the P~~p~~roject site. Implement these measures only after consultation with CDFW. d. New roost sites must be in place prior to the initiation of P~~p~~roject-related activities to allow enough time for bats to relocate. e. Design and locate new and enhanced roost sites to be compatible with the bats' search image and habitat requirements (i.e., thermal regulation, interior size, ventilation, etc.). Design new and enhanced roost sites in consultation with CDFW. f. Exclude bats from directly affected work areas selectively and only to the extent necessary to prevent morbidity or mortality to the colony. Use one-way bat exclusion devices, installed in a bat-safe way, to exclude bats and then use steel wool or other method to block the entrance, after the bats have gone. Exclude bats only after consultation with CDFW, at a time that is compatible with the species' normal behavior patterns (i.e., breeding, feeding, hibernating, etc.). In general, exclusions shall not occur during the maternity/pup-rearing season or during the hibernation season, as determined by conditions at the P~~p~~roject site. 2. Blunt-Nosed Leopard Lizard a) Pre-Construction Surveys i. *Focused Protocol Surveys Prior to Construction:* Prior to the initiation of any on-site grading and construction related activities, the project biologist shall conduct focused protocol surveys in accordance with the CDFW Approved Survey Methodology for the Blunt-Nosed Leopard Lizard within suitable habitat for blunt-nosed leopard lizard in the survey season immediately prior to grading or construction. ii. *Clearance Surveys Prior to Construction:* Prior to ground-disturbing activities that would occur between March and November, three to five clearance surveys shall be conducted for blunt-nosed leopard lizard in and within 50 feet of areas of proposed disturbance. The surveys shall be conducted within 30 days of the initiation of construction activities or re-initiation of construction activities after a period of delay or suspension of more than 30 days and shall be conducted,	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
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		pursuant to CDFW protocol-required timing and weather criteria. If construction activities are initiated within 30 days prior to~~of~~ the focused protocol surveys, then clearance surveys are not required. Should any blunt-nosed leopard lizards be observed during the surveys, all locations where the species was observed shall be conspicuously marked in the field and on appropriate maps. In addition, all available burrows within 50 feet of the blunt-nosed leopard lizard observation shall be conspicuously marked in the field and on maps. If blunt-nose leopard lizards are detected during any identified survey of the project site, the following provisions shall be implemented. b) Avoidance Measures Fencing Installation i. If blunt-nosed leopard lizards are observed during the surveys, an appropriate buffer, ~~which shall include a minimum 50-foot setback from potential burrows within 50 feet of the siting, shall~~ the project proponent shall be required to establish an immediate 50 foot buffer as discussed below. In addition to the initial 50-foot minimum buffer, the project proponent shall be required to consult with the California Department of Fish and Wildlife to determine what appropriate development setbacks are required from the observation location to ensure impacts to the species are minimized. The initial buffer shall include a minimum 50-foot setback from potential burrows within 50 feet of the siting and this initial buffer shall connect to intact habitat that is directly adjacent to the buffer. The initial buffer shall also be established by a qualified biologist to avoid the species and comply with applicable regulations, and exclusion fencing shall be installed in such a manner as to segregate blunt-nosed leopard lizard from the construction footprint and to ensure that direct take of the species does not occur. The actual distance from the construction area where exclusion fencing is installed may depend on each construction site, but the fencing will be installed at a min~~ax~~imum 50-foot radius from the outermost edge of the construction footprint and in accordance with recommendations received during consultation with CDFW. The project biologist shall be on site during the fencing installation to ensure that no blunt-nosed leopard lizards are inadvertently harmed/harassed during installation. ii. Fencing shall provide escape routes from excluded areas to enable blunt-nosed leopard lizards to move outside the excluded area away from construction activities. After exclusionary fences are installed in accordance with CDFW recommendations, a qualified Level 2 surveyor, as defined by CDFW shall perform a minimum of five consecutive daily surveys within the fenced area and in accordance with CDFW	

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		recommendations to ensure no blunt-nosed leopard lizards are located within the excluded zone. At the discretion of the project biologist, but no sooner than after the 5 days of surveys, the fencing escape routes shall be closed to prevent blunt-nosed leopard lizard from reoccupying the area prior to commencing earth-disturbing activities. The fenced zone ~~can~~ will be ~~expanded~~ phased as development occurs in the proposed project footprint, consistent with the buffer established above, as necessary and following the same survey and escape route protocol described above, to exclude individual blunt-nosed leopard lizard from construction zones. iii. If blunt-nosed leopard lizards are observed or suspected (based on scat, tail drag marks, or other sign) of occurring within a fenced construction zone during the exclusion zone surveys, CDFW will be consulted and daily surveys shall be conducted for another consecutive five days from the date of the observation to allow sufficient time for individual blunt-nosed leopard lizard to vacate the excluded area. c) Fencing Specifications Any exclusion fencing constructed for the blunt-nosed leopard lizard shall meet several criteria: i. The exclusion fencing shall be long-lasting and ultraviolet stable and shall be maintained and repaired as directed by the project biologist. ii. The fencing shall be constructed of a material that will not permit blunt-nosed leopard lizard to pass through or become endangered or trapped. iii. The fencing shall include 36-inch flashing buried 12 inches below the ground and reinforced with metal rebar or wood stakes. iv. Where needed, fencing shall provide escape routes from excluded areas, including the construction footprint. v. Tightly woven fiber netting or similar material shall not be used for erosion control or other purposes at the project site to ensure that blunt-nosed leopard lizard do not become entangled or trapped. d) Monitoring During Construction i. Relocation and/or take of a blunt-nosed leopard lizard may only occur if authorized pursuant to a Natural Community Conservation Plan (NCCP). ii. During on-site grading and construction activities, the exclusion fencing shall be maintained to continue to exclude blunt-nosed leopard lizard from entering all construction and activity areas per avoidance measure 2(b)(iii) above. During on-site grading and construction activities, the project biologist shall be on site in any areas where exclusion fencing has been installed to confirm the absence of blunt-nosed	

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		leopard lizards within these areas and to serve as a monitor to ensure that no harm to individual blunt-nosed leopard lizards occurs in the event a blunt-nosed leopard lizard is observed or found to be within an excluded area. The project biologist shall also regularly inspect buffer and exclusion fencing during these activities to ensure the fencing remains in good condition. Constructions crews and vehicles shall not enter (including temporarily entering) any designated buffer zones around suspected blunt-nosed leopard lizard burrows at any time. Buffer flagging and exclusion fencing will only be removed once all ground disturbance activities have ceased and it is confirmed that no additional ground-disturbance activities will occur within the fenced area or near burrow buffer zones. Once the fencing has been removed, appropriate signage will be installed to educate workers of the need to avoid known blunt-nosed leopard lizards within and near activity areas. e) Stop Work Authority The project Lead Biologist may authorize the cessation of construction activities for any of the following reasons: i. The monitoring biologist believes, for any reason, blunt-nosed leopard lizards may be at risk; ii. If blunt-nosed leopard lizards are observed within a work area; iii. Poor fence condition necessitates repair; iv. If construction activities threaten established fence or buffers; Stop work may be rescinded only at the discretion of the project Lead Biologist and only when any threat to blunt-nosed leopard lizards has passed. f) Documentation Documentation shall be provided for focused protocol surveys, pre-construction clearance surveys, final fence design and installation, education training, and monitoring activities and monitoring results (i.e., the avoidance of take of blunt-nosed leopard lizard). This documentation shall be submitted to the County and resource agencies ~~(as required)~~. 3. Nelson's Antelope Squirrel a) Pre-Construction Surveys Surveys for Nelson's antelope squirrel shall be conducted by ~~as part of~~ the ~~required surveys for blunt-nosed leopard lizard, which are conducted~~ biologist in 10 to 30 meter transects during San Joaquin Valley Antelope Squirrel active season, from April – ~~to~~September when air temperatures are between 20° to 30°C (68° to 86°F) no more than 30 days prior to grading or construction activities. Surveys shall cover the	

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Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		disturbance area and a 50-foot buffer. If there is a break in construction activities for more than ~~30~~14 days, subsequent clearance surveys shall be required prior to commencement of construction activities. A report documenting the results of the pre-construction surveys shall be submitted to the County within 30 days after performing surveys. If any Nelson's Antelope Squirrel are detected as a result of these surveys, the following provisions shall be required. b) Avoidance Measures ~~If practicable, a~~Any burrows that are suspected or known to be occupied by Nelson's antelope squirrel~~ and a 50-foot avoidance buffer around the burrows~~ will be avoided~~ by grading and construction activities~~ through establishing an appropriate buffer, which shall include a minimum 50-foot setback from such known or suspected burrows and will include intact adjacent habitat of sufficient size to support the species, by a qualified biologist to avoid the species and comply with applicable regulations, and shall include the erection of temporary fencing. If avoidance is not feasible, implement (3)(c) below. c) Relocation If burrows suspected or known to be occupied and/or the established avoidance buffer around the burrows cannot be avoided, then Nelson's antelope squirrel shall be trapped and relocated to an approved release site on Tejon Ranch pursuant to appropriate take authorizations. 4. San Joaquin Kit Fox a) Pre-Construction Surveys Pre-construction surveys shall be conducted within the disturbance zone and a 200-foot buffer around the disturbance zone in suitable habitat no less than 14 days and no more than 30 days prior to the beginning of each construction area of grading or construction activity. Pre-construction surveys will identify San Joaquin kit fox habitat features on the project site and evaluate use by San Joaquin kit fox. The status of all possible San Joaquin kit fox dens will be categorized as a potential, atypical, known, or pupping den type and will be mapped. The results of these surveys shall be submitted to the County and resource agencies (as required) within 5 days of survey completion and prior to commencement of ground disturbance and/or construction activities. If any signs of the San Joaquin kit fox are identified as a result of the required pre-construction surveys, the following provisions shall be required per the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox prior to or during	

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		Ground Disturbance (USFWS 2011) as modified below or as otherwise may be modified per any future resource agency permits. b) Avoidance Measures Buffer distances and measures shall be established, as described below, by den type prior to construction activities. If avoidance is not a reasonable alternative, limited destruction of kit fox dens is allowed (see item c below); i. San Joaquin kit fox potential or atypical den: If a potential or atypical den is found, placement of four or five flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required but the 50-foot exclusion zone must be observed. ~~Only essential vehicle operation on existing roads and foot traffic is permitted within the exclusion zones. Otherwise, a~~All construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones. ii. San Joaquin kit fox known den: If a known den is found, a 100-foot exclusion zone shall be demarcated by stakes and flagging around~~fencing that encircles~~ each den at the appropriate distance ~~and~~ in a manner that does not prevent access to the den by San Joaquin kit fox. ~~Acceptable fencing includes untreated wood particleboard, silt fencing, orange construction fencing, or other fencing as long as it has openings for San Joaquin kit fox ingress/egress and keeps humans and equipment out.~~ Exclusion zone ~~fencing~~ marking materials should be maintained until all construction-related disturbances have been terminated. At that time, all ~~fencing~~ marking materials shall be removed to avoid attracting subsequent attention to the dens. iii. San Joaquin kit fox natal/pupping den: If a San Joaquin kit fox natal/pupping den is documented during pre-construction surveys, the USFWS and CDFW will be contacted. iv. Buffer distances and measures can be modified with prior authorization from the CDFW and USFWS. c) Den Excavation Based on the results of the pre-construction surveys, if avoidance of dens is not a reasonable alternative, limited destruction of San Joaquin kit fox dens may be allowed. Dens shall be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit fox cannot reenter or use the den during the construction period. Hand excavation shall be used whenever feasible. If at any point during the excavation a San Joaquin kit fox is discovered inside the den, the excavation activity shall cease immediately and the den shall be monitored as described below. Destruction of the den may be	

		completed when, in the judgment of the project Lead Biologist, the animal has escaped without further disturbance. Excavation of dens shall be conducted under the supervision of the project Lead Biologist, in accordance with USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox prior to or during Ground Disturbance*, as follows: i. Absolutely no excavation of San Joaquin kit fox known dens shall occur without prior authorization from the USFWS and~~or~~ CDFW. Destruction of any known or natal/pupping San Joaquin kit fox den requires take authorization from the USFWS and CDFW. ii. Hand excavation ~~if~~ is required unless ~~that~~ soil conditions necessitate the use of excavating equipment; however, extreme caution must be exercised. iii. Natal/pupping dens: Natal/pupping dens that are occupied will not be destroyed until the pups and adults have vacated and consultation with the USFWS and CDFW has occurred in accordance with take authorization from the USFWS and CDFW. iv. Known dens: Known dens within the footprint of the activity must be monitored for 3 days with a tracking medium or an infrared beam camera to determine the current use. If no San Joaquin kit fox activity is observed during this period, the den shall be destroyed immediately to preclude subsequent use. If San Joaquin kit fox activity is observed at the den during this period, the den shall be monitored for at least 5 consecutive days from the time of observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den may be excavated under the direction of the project Lead Biologist. If the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, ~~in the judgment of~~ the project Lead Biologist has confirmed through monitoring that~~,~~ it is temporarily vacant, for example, during the animal's normal foraging activities. v. Potential/atypical dens: If a take authorization/permit has been obtained from the USFWS and CDFW, den destruction may proceed with~~out~~ monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential and atypical dens should be monitored as if they were known dens. If any den was considered to be a potential or atypical den, but is later determined during monitoring or destruction to be currently or previously used by San Joaquin kit fox (e.g., if San Joaquin kit fox sign is found inside), then all construction activities shall cease and the USFWS and CDFW shall be notified immediately. d) Reporting New sightings of San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). For federally listed species, a copy of the reporting form and a	

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		topographic map clearly marked with the location of where the San Joaquin kit fox was observed should also be provided to the USFWS. 5. Swainson's Hawk a) Pre-Construction Surveys Pre-construction surveys for Swainson's hawk shall be conducted during the two survey periods prior to construction by the project Lead Biologist following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000). These methods include surveying for active nests within a 0.5-mile radius of all project activities prior to construction activities. b) Avoidance Measures i. If active Swainson's hawk nests (defined as nests used during one or more of the last 5 years) are found during these surveys, the project proponents shall utilize the CDFW *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California* for addressing the species as modified below. During initial ground disturbance construction, ~~recommends~~ no intensive disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock-crushing activities) or other project-related activities that may cause nest abandonment or forced fledging shall occur within 0.50~~25~~ mile of an active nest between March 1 and September 15, unless take authorization is obtained and provides otherwise. The buffer zone ~~should~~ may be ~~in~~decreased to 0.25 ~~mile in nesting areas away from urban development~~ mile around nests for subsequent construction (i.e., in areas where disturbance–such as heavy equipment operation associated with construction, use of cranes or draglines, new rock-crushing activities–is not a normal occurrence during the nesting season). Active nest trees (where the nest is intact and has been used in the last 5 years) shall not be removed unless there is no practicable way of avoiding them. ii. If an active nest tree must be removed, a California Fish and Game Code Section 2081 Incidental Take Permit, including conditions to offset the loss of the nest tree, may be required to be obtained with the tree removal period specified in the Incidental Take Permit, generally between October 1 and February 1. Encroachment within a 0.5-mile no-disturbance buffer may also require prior acquisition of an Incidental Take Permit. c) Monitoring During Construction If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, prior acquisition of an Incidental	

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		Take Permit may be required. M~~m~~onitoring of the nest site by the project Lead Biologist is required to determine whether the nest is abandoned ~~shall be required~~. If it is abandoned and if the nestlings are still alive, the master developer shall fund the recovery and hacking (i.e., the controlled release of captive-reared young) of the nestling(s). Existing activities such as agricultural activities, commuter traffic, and routine facility maintenance activities within 0.25 mile of an active nest shall not be prohibited. 6. Bald Eagle a) Avoidance Measures There is a known eagle roost at Edmonston Pumping Plant Road. This roost and any other roost identified on the project site as a result of any biological observation shall not be removed between October 15 and March 15, when bald eagles winter in this region. b) Roost Relocation/Creation i. Prior to issuance of any grading or building permit located in Plan Area 5a, the project proponent shall conduct an assessment of the feasibility of relocating the snag tree. The assessment will include an evaluation of the integrity of the snag to withstand relocation, potential relocation sites, and methodology of relocation. If relocation of the snag is determined to be feasible and have a high degree of success, the snag shall be relocated to an appropriate on-site open space or a suitable off-site location as close to the existing snag as feasible, as approved by a qualified eagle biologist, but at a minimum distance of 200 meters (656 feet) from development and potential human disturbance areas, particularly foot traffic (e.g., trails). The snag shall be relocated prior to the bald eagle wintering season (generally October 15 through March 15 in this region). ii. If relocating the existing snag is considered not to be practical and not to have a high probability of success, a new roosting/perching area shall be created that shall meet the following criteria: a. The created roost in an appropriate foraging area shall be installed prior to the bald eagle wintering season (generally October 15 through March 15 in this region). b. Because bald eagles prefer dead trees for daytime perches, at least one snag along with deciduous trees (at a 1:1 ratio to the trees being removed near the existing snag) shall be installed. The snag and deciduous trees shall replicate as closely as possible the dimensions, structure, and overall characteristics of the existing snag and deciduous trees to both provide unobstructed views and serve as a stable perch/roost site for the eagles.	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		c. The snag and associated deciduous trees shall be located at an appropriate on-site open space or a suitable off-site location as close to the existing snag as feasible, as approved by a qualified eagle biologist, and at a minimum in a location that maximizes flight clearance, visibility of foraging grounds, and proximity to foraging habitat. In addition, the roosting/ perching area shall be located a minimum of 200 meters (656 feet) away from development and potential human disturbance, particularly foot traffic (e.g., trails). 7. California Condor a) Avoidance Measures If condors are observed landing in or near the construction site, construction within 500 feet of the sighting will cease until the bird(s) have left the area, or as otherwise authorized by CDFW and the USFWS. Should USFWS notify the project Lead Biologist that condors are roosting within 0.5 mile of the construction area, no construction activity shall occur between 1 hour before sunset to 1 hour after sunrise, or until the condors leave the area, or as otherwise directed by the USFWS. The USFWS and CDFW will be notified with 24 hours of an encounter with a California condor. *Other Special-Status Species* 8. American Badgers a) Pre-Construction Surveys (Wintering) Pre-Construction surveys shall be required for any construction activities commencing between November 1 and February 15. Surveys shall be conducted no more than 14 days prior to construction activities to determine whether American badger winter dens are present within disturbance zone or within 100 feet of the disturbance zone boundary. If Pproject activities are delayed or suspended for more than 14 days, the project-construction surveys shall be repeated. b) Avoidance Measures (Wintering/Non-Natal) If an American badger winter or non-natal den is occupied within the disturbance zone or within 100 feet of the disturbance zone, then the den location shall be clearly marked with fencing or flagging, in a manner that does not isolate the badger from intact adjacent habitat or prevent the badger from accessing the den, to avoid inadvertent impacts on the den. The den shall be monitored in accordance with the recommendations for San Joaquin kit fox above. If it is not practicable to avoid the wintering or non-natal den during construction activities, an attempt will be made to trap or flush the individual and relocate it to suitable open space habitat. Additionally, badgers can be relocated by slowly excavating the burrow, either by hand or mechanized equipment under the direct	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		supervision of the project biologist, removing no more than 4 inches at a time. After necessary trapping, flushing, or burrow excavation is completed, construction may proceed and the vacated winter or non-natal den may be collapsed. If trapping is required, trapping will be limited to November 16 through the last day of February for winter dens in accordance with Section 461, Title 14 of the California Code of Regulations (14 CCR 461). A written report documenting the badger removal shall be provided to the CDFW within 30 days of relocation. c) Pre-Construction Surveys (Natal Dens) Pre-Construction surveys shall be required for any construction activities commencing between March 15 and July 31. Pre-construction surveys shall be conducted by the project biologist no earlier than 14 days prior to ground-disturbing construction activities to determine whether American badger natal dens are present within the project disturbance zone or within 200 feet of the disturbance zone. d) Avoidance Measures (Natal Dens) If active natal dens are located within these areas during pre-construction surveys, construction activities shall be postponed. If natal dens are detected during construction, construction activities shall be halted within 200 feet of the natal den. This buffer may be reduced based on the location of the den or type of construction activity, based on the direction of the project biologist and CDFW has agreed in writing. Construction activities shall not preclude the ability of the documented badgers to disperse to on-site open space or off-site habitat when the natal den is vacated (i.e., habitat suitable for dispersal must be maintained until dispersal occurs). Construction will 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. To avoid inadvertent impacts during construction and to ensure that construction activities are at least 200 feet from active natal dens, any active natal dens within the survey area shall be clearly marked with fencing or flagging in a manner that does not isolate the badger from sufficient intact adjacent habitat, prevent the badger from accessing the den, or inhibiting normal behavioral activities (e.g., foraging and dispersing from the site) by the mother and pups. 9. Burrowing Owl a) Pre-Construction Surveys The project biologist shall conduct pre-construction take-avoidance surveys no more than 30 days prior to ground-disturbing activities within each construction area. Focused burrowing owl surveys shall be conducted in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (March 2012), ~~with the exception of the survey buffers, which~~	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		~~follows the California Burrowing Owl Consortium~~. Breeding season surveys shall include at least four survey passes completed between February 15 and July 15, with at least one visit between February 15 and April 15, and a minimum of three survey visits (at least 3 weeks apart) between April 15 and July 15, including at least one visit after June 15. Non- breeding season surveys shall include at least four visits spread evenly throughout the non-breeding season. The surveys shall be conducted in suitable burrowing owl habitat within 150 meters (492 feet) of the project footprint. Surveys shall be conducted by walking 20-meter transects. Because burrowing owls can recolonize a site after a few days, time lapses between project activities trigger subsequent take avoidance surveys, including, but not limited to an additional survey within 24 hours of ground-disturbing activities. Once surveys are completed, the project biologist shall prepare a survey report on the survey methods and results. b) Avoidance <u>and Mitigation</u> Measures Implement Burrowing Owl Exclusion Plan, which includes four avoidance and relocation strategy tiers <u>and associated mitigation requirements set forth in the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012)</u>: Tier 1 – Avoidance Buffers; Tier 2 – Passive Relocation; Tier 3 – Prevention of Recolonization of Development Areas; and Tier 4 – Active Relocation (Optional). Refer to Appendix F of this EIR, specifically Appendix A-1 of the Biological Resources Technical Report for the Grapevine Specific Plan for more details on avoidance buffers and relocation methods. ~~A standard minimum avoidance buffer of 75 meters (246 feet) will be applied to occupied nest sites during the burrowing owl breeding season (February 1–August 31). If the project biologist determines that a smaller buffer would be adequate to protect the active nest site, a smaller buffer may be implemented, but only after consultation with and approval from CDFW. This avoidance buffer is not required during the nesting season if the project biologist verifies through noninvasive methods that either (1) the birds have not begun egg laying and incubation or (2) juveniles from the occupied burrows are capable of independent survival (i.e., they are foraging independently and are not dependent on the natal burrow).~~ <u>Avoidance buffers shall be established in accordance with the buffer distances described in the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012), which range from 50 to 500 meters, depending on the season and level of disturbance. The buffers may be reduced, but only after consultation with and approval from CDFW.</u>	

10. Nesting Birds
    a) Pre-Construction Surveys
        i. The project biologist shall conduct pre-construction surveys no earlier than seven days prior to any ~~on-site grading and~~ project related construction ground disturbance activities within each construction area and a 500-foot buffer that occurs during the nesting/breeding season of special-status bird species potentially nesting on the site, with the exception of the special-status bird species addressed in other measures (including burrowing owl and Swainson's hawk). The pre-construction surveys shall be conducted between ~~March~~ February and September, or as determined by the project biologist. If construction activities are delayed for more than 14 consecutive days, the surveys shall be repeated.
        ii. The purpose of the pre-construction surveys will be to determine whether occupied nests are present in the disturbance zone or within 500 feet of the disturbance zone boundary.
    b) Avoidance Measures

    If occupied nests are found, then limits of construction to avoid occupied nests shall be established by the project biologist in the field with flagging, fencing, fencing, or other appropriate barriers (~~e.g.,~~The following minimum no-disturbance buffers will be required: 250 feet around active passerine nests and~~to~~ 500 feet around active non-listed raptor nests). ~~and c~~Construction personnel shall be instructed on the sensitivity of nest areas. Project-related activities will not occur within the no-disturbance buffers. 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 250-foot or 500- foot setback to be greater at his or her discretion depending on the species, the behavioral baseline conditions determined through passive monitoring, and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). Once the nest is no longer occupied for the season, construction may proceed in the setback areas. Once a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, construction may proceed in the setback areas. Monitoring reports shall include information regarding active nests and status of nests.

11. San Diego Black-Tailed Jackrabbit
    a) Pre-Construction Surveys

    No earlier than 72 hours prior to construction activities, the project biologist shall conduct a survey within the proposed construction disturbance zone and within 200 feet of the disturbance zone for San Diego black-tailed jackrabbit. If P~~p~~roject activities are delayed or suspended for more than 14 days, the project-construction surveys shall be repeated.
    b) Avoidance Measures

    If San Diego black-tailed jackrabbits are present, the area shall be surveyed for occupied burrows. If occupied burrows are found, these shall be flagged with a 50-foot buffer and

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		avoided until the burrows are vacated. At no time will construction completely encircle a burrow, preventing the animal from moving into a non-disturbance zone. 12. Western Spadefoot a) Pre-Construction Surveys Prior to approval of a Grading Permit the ~~project proponent~~applicant shall provide to the County evidence verified by the Project Biologist that the area proposed to be graded, including a 300-foot buffer area, has been surveyed for suitable western spadefoot breeding habitat. If suitable breeding habitat is identified, the verification shall include a map of the delineated areas, including the 300-foot buffer which are to be avoided. Surveys shall be conducted within 60 days prior to construction during a time of year when the species can be detected above ground at suitable breeding sites ~~to the extent feasible~~. Suitable breeding habitat is defined as areas of temporarily ponded water, including within creeks and within the valley floor uplands. Suitable breeding sites should support ponded water for at least three weeks. To ensure that diseases are not conveyed between work sites by the project biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. b) Avoidance Measures If western spadefoot is detected within the project footprint, measure "(i)" shall be implemented with appropriate review and concurrence from CDFW. If western spadefoot is detected outside the project footprint, but within 300 feet of the project footprint boundary, measure "(ii)" shall be implemented. Prior to implementation of avoidance measures, the project biologist shall confer with CDFW. i. If western spadefoot is detected (including egg masses, larvae) in water within the project footprint and cannot be permanently avoided (e.g., by placing a resource avoidance area over the site), suitable breeding habitat shall be created within suitable natural sites in open space outside the project footprint under the direction of the project biologist. The amount of occupied breeding habitat to be impacted by the project shall be replaced at a 2:1 ratio. The habitat creation location shall be in suitable habitat within on-site open space and as far away as feasible from residential and commercial development and roads. The created breeding habitat shall be designed such that it only supports standing water for no longer than three months following winter rains in order that aquatic predators (e.g., fish, bullfrogs, and crayfish) cannot become established. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the impacted breeding site	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		as feasible. No site preparation or construction activities shall be permitted within 300 feet of the vicinity of the impacted breeding site until the design and construction of the pool habitat in preserved areas of the site has been completed and all detected western spadefoot tadpoles, egg masses, and adults are moved to the created breeding habitat. The project biologist shall monitor the relocation site for a cumulative total of five years in which environmental conditions are conducive for spadefoots to successfully complete the breeding cycle (i.e., adequate rain for pools to hold water for a sufficient period). Monitoring shall be conducted during and immediately following peak breeding season such that surveys can be conducted for adults as well as for egg masses and larval and metamorphic western spadefoot. Success criteria for the monitoring program shall include verifiable evidence of western spadefoot reproduction at the relocation site during five years with suitable breeding conditions. ii. If western spadefoot is detected (including egg masses, larvae) in water within 300 feet of the project footprint boundary, but not within the project footprint itself, an exclusion fence shall be constructed along the project boundary between the construction footprint and the occupied breeding site to prevent spadefoots from moving into and aestivating within the construction footprint. The exclusion fencing shall consist of 16-inch metal flashing, or an equivalent material, which shall be buried at least 6 inches below the ground surface, extending at least 8 inches above the ground. The fencing shall cover a sufficient length of the boundary to inhibit spadefoots from entering the project footprint without entrapping aestivating spadefoot. The necessary length and appropriate location of the exclusion fence relative to the occupied breeding site shall be determined by the project biologist. No construction activities involving heavy equipment generating noise, ground vibration, and/or dust shall be allowed within 300 feet of occupied breeding sites until western spadefoots have metamorphized and are no longer present in the breeding pool, as determined by the project biologist. Acceptable ~~construction~~ project activities (e.g., quiet and/or low impact activities) within 300 feet of the occupied breeding site shall be allowed at the discretion of the project biologist. 13. Least Bell's vireo and Little Willow Flycatcher a) Pre-Construction Surveys In the season prior to construction within 500 feet of suitable habitat, the project biologist shall conduct focused surveys for least Bell's vireo and little willow flycatcher. Least Bell's vireo surveys will follow the currently accepted *Least Bell's Vireo Survey Guidelines*	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		(USFWS 2001). Surveys for flycatcher will be conducted using the methods outlined in *A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher issued by the U.S. Geological Survey* (USGS) and *U.S. Department of the Interior and approved by the USFWS* (Sogge et al. 2010). Surveys for least Bell's vireo and willow flycatcher will be conducted concurrently. b) Avoidance Measures If active nests are found, clearing and construction within 500 feet of the nest shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the project Lead biologist, and there is no evidence of a second attempt at nesting. If no active nests are observed, construction may proceed. If active nests are found, work may proceed provided that construction activity is located at least 500 feet from active nests (or as authorized through take permits). This buffer may be adjusted provided noise levels do not exceed 60 dBA hourly Leq at the edge of the nest site as determined by a qualified biologist in coordination with a qualified acoustician. If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the construction activities are disturbing nesting activities, the biologist shall have the authority to halt the construction and shall devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nest site and the construction activities, and working in other areas until the young have fledged. If noise levels still exceed 60 dBA Leq hourly at the edge of nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestlings have fledged. All active nests shall be monitored on a weekly basis until the nestlings fledge. The qualified biologist shall be responsible for documenting the results of the surveys and the ongoing monitoring and for reporting these results to CDFG and USFWS. 14. Rare Plants a) Pre-Construction Surveys Pre-Construction Surveys: Prior to the commencement of construction activities in suitable habitat ~~(i.e., OA District, EA District and Planning Area 5b)~~, a pre-construction survey shall be conducted in suitable habitat by the project biologist to determine whether special-status plants or vegetation communities are present in the disturbance zone or within 50 feet of the project disturbance zone boundary. Focused surveys for special-status plant species and vegetation communities shall be conducted by a qualified biologist according to: the CNPS Botanical Survey Guidelines (CNPS, 2001); Protocols	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		for Surveying and Evaluating Impacts to Special Status Native Populations and Natural Communities (CDFG, 2009); and U.S. Fish and Wildlife Service General Rare Plant Survey Guidelines (Cypher, 2002). The pre-construction survey shall be conducted during a period when the target species would be observable and identifiable (e.g., blooming period for annuals). The target species and vegetation communities list will include Tejon poppy, Piute Mountains navarretia, and calico monkeyflower, and other special-status plants (e.g., federally or state listed, or with a CRPR of 1 or 2) as well as purple needle grass giant wild rye vegetation communities that have the potential to occur, as determined by the project biologist, in the disturbance zone or within 50 feet of the disturbance zone. b) Avoidance, Minimization, and Mitigation Measures If special-status plants are detected during pre-construction surveys, the location of the species will be mapped. If impacts to special-status plants cannot be avoided, the following measures will be implemented: 1) impacts to s~~S~~pecial-status plants and vegetation communities will be limited to up to 40% of the total population onsite; and 2) prior to consultation, special-status plants and vegetation communities in the vicinity of the disturbance will be temporarily fenced or prominently flagged and a 50-foot buffer established around the populations to prevent inadvertent encroachment by vehicles and equipment during the activity; ground surface disturbance will be limited to the dormant period (i.e., after seed set and prior to germination); seed/bulb collection, storage, and dispersal/transplanting following the construction activity; and topsoil salvage, stockpiling, and replacement as soon as practicable after project completion. Additionally, while it is not expected that a federally or state-listed plant would be observed during these surveys, the P~~p~~roject P~~p~~roponent shall consult with the applicable agency (i.e., CDFW and/or USFWS) and written concurrence for measures required for federally or state-listed plant species, if observed. MM 4.4-5 Aboveground Utilities. Prior to approval of any tentative tract map, the P~~p~~roject P~~p~~roponent shall include a note on the map that no new aboveground high-voltage towers or power lines shall be built as part of the proposed construction or, if existing utilities are to be relocated, they shall be located within 1,000 feet of existing overhead structures and that construction specifications shall be consistent with the Avian Powerline Interaction Committee guidance. MM 4.4-6 Restrictions on Landscaping Palettes and Plants. Concurrent with the submittal of a tentative tract map, parcel map (excluding financing maps), or commercial/industrial site plan, the P~~p~~roject	

			Pproponent shall submit a landscape plan for review. The plan shall include plant palette proposed for use on landscaped slopes, street medians, park sites, and other public landscaped zones within 100 feet of open space and verification that the palette was reviewed by the project Lead Biologist to minimize the effects that proposed landscape plants could have on native vegetation and wildlife within adjacent open space areas. Landscape plans will not include invasive plant species, as identified by the most recent version of the California Invasive Plant Inventory for the Central Valley region, as published by the California Invasive Plant Council. Landscape plans, except those for commercial and community agriculture programs, projects, and gardens, will include a plant palette composed of native ~~or non-native~~, non-invasive and drought-tolerant species that do not require high irrigation rates. Each landscaping plan submitted with the maps shall require that immediately prior to installation of common landscape improvements, container plants to be installed within 100 feet of open space shall be inspected by the project biologist for the presence of disease, weeds, and pests, including Argentine ants (*Linepithema humile)*. Plants with pests, weeds, or diseases will be rejected. MM 4.4-7 The following provisions shall appear as notes on all tentative tract maps and site development plans and incorporated in the CC&Rs: 1) Intentional feeding of California condor, bald and golden eagle, and San Joaquin kit fox on the Grapevine Project is prohibited; ducks and other water fowl in designated parks may be fed. 2) Use of anticoagulants (used for rodent control) at the Grapevine project site shall be prohibited. 3) Residents shall not use r~~R~~odenticides outside~~shall not be used in areas within 450 feet of any Exclusive Agriculture designated area~~, with the exception of areas where rodent activity threatens infrastructure or public safety ~~and when determined by the Lead Biologist that other measures, such as trapping will be ineffective~~. 4) Exterior lighting shall adhere to dark sky principles and be fully shielded and directed downward in a manner that will prevent light spillage or glare. 5) Property owners shall keep trash in covered containers that are fitted with animal- and weather-resistant lids. 6) No new multi-use paved trails, lighting or irrigated agriculture will be permitted in the OA District. 7) Unfenced basins shall be revegetated with native grasses to allow for grazing. MM 4.4-8 Conservation Education and Awareness Program for Occupants. Subsequent to issuance of the first building permit and prior to issuance of the first certificate of occupancy for the project site, the Pproject Pproponent shall develop an environmental awareness education brochure approved by the Kern County Planning & Natural Resources Department and the project Lead Biologist, regarding special status species and any wildlife prohibitions and protection measures. This~~, which~~ brochure ~~will~~ shall be provided to occupants, by the Property Owners' Association (POA) or other	

		public entity and ~~shall submit covenants, conditions, and restrictions (CC&Rs), which require the brochure to be~~ updated annually. ~~and provided to occupants~~ Provisions of the educational program shall be done via mail and website. In addition, the POA shall explore the possibility of having the prepared material available on social media and through ~~a conservation education and awareness program to be implemented by the property owners' association (POA)~~both television and radio campaigns. Copies of all educational material prepared shall be submitted to the Kern County Planning and Natural Resources Department by April 1st of each calendar year. The educational materials~~, including the required brochure,~~will focus on all special status species within the project site, but specifically target awareness to the San Joaquin kit fox as this species is the most likely to interact with residents in the built environment. The educational materials prepared including the required brochure shall be based on existing materials already approved by both the Unites States Fish and Wildlife Service and the California Department of Fish and Wildlife. The educations materials, website and interpretive signs around the bald eagle roost, shall include the following topics and information: 1) The requirement that people and their animals stay on existing trails at all times 2) The requirement that pets be leashed at all times while in project open space and on trails 3) The requirement that dog owners pick up and pack out their animals' feces when on trails 4) Prohibition against intentionally feeding condor, bald eagle, golden eagle, and San Joaquin kit fox, and the unauthorized capture of all wildlife species, both of which are prohibited 5) The dangers of microtrash and the benefits of trash receptacles fitted with animal- and weather-resistant lids 6) Notification that native animals (e.g., coyote [*Canis latrans*], bobcat [*Felis rufus*], and mountain lion [*Puma concolor*]) are present in the area and could prey on pets, and no actions will be taken against native animals should they prey on pets allowed outdoors by their owners 7) Required compliance with federal and state laws governing the use of pesticide and rodenticide products and restrictions on the use of anticoagulants. 8) Prohibited behaviors related to condors such as the pursuit, capture, and harassment of condors and all other potential direct interaction with the species and the negative effects of microtrash on the species. Mandatory reporting by occupants to POA Manager of any California condors seen on or near developed areas, including any condor seen perching on structures, drinking from standing water (e.g., swimming pools), or feeding on carcasses within an estimated 1,000 feet of development. 9) Prohibitions on the touching and collection of reptiles and amphibians. 10) The negative impacts of off-trail activities near oak trees (Quercus spp.). The educational materials and CC&Rs shall require: 1) Interpretive and educational signage to be installed at appropriate locations informing the public about bald eagles, their habitat requirements, and their sensitivity to human disturbance during the wintering season for the species (late October through March). Appropriate signage regarding San Joaquin kit fox shall also be required in and around the	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		developed areas of the project site as it is not uncommon for the species to be found in these locations. 2) The POA manager ~~may, at the request of the project biologist,~~ will restrict trail use near identified San Joaquin kit fox sightings, and winter perch sites of bald eagles between October 15 and March 15; adequate setbacks from each perch site, considering location, viewshed, and other factors, will be determined by the biologist. Setbacks of 250 meters (820 feet) have been suggested for wintering eagles in open habitats as sufficient to buffer eagles from human activities. 3) The POA manager may~~, at the request of the project biologist,~~ will restrict trail use and recreational activities within 0.25 to 0.5 mile of the viewshed of an active golden eagle nest during the nesting season (generally February 1 through July 30). Trail use may be allowed during the nesting season if the project biologist has determined that the nest has become inactive and trail use would not otherwise adversely affect golden eagles within the nest territory. 4) Guided hunting in the southern foothills shall be allowed for ongoing resource management or pest control (e.g., feral pig eradication) in accordance with the Ranch's existing wildlife management program permitting with CDFW. 5) In any dead cattle or other carcasses are observed, it shall be reported to the POA Manager and the Lead Biologist shall remove dead cattle, or other carcasses that are found or reported within 1,000 feet of development. Such carcasses shall be relocated to a predetermined location within an area identified for conservation in the Ranchwide Agreement or an area conserved as open space on the Ranch. The locations where carcasses shall be relocated shall be a minimum of 1,000 feet from the edge of the project footprint. Appropriate locations for transfer of carcasses include open grasslands and savannahs where condors can readily detect carcasses and easily land and take off without encountering physical obstacles such as power lines and other utility structures. Pursuant to this measure, a telephone number for reporting dead cattle shall be provided and actively maintained. Any cattle carcasses transferred to the relocation areas shall be reported to the USFWS condor group. 6) If any California condor is observed or reported on or near developed areas (i.e., perched or on the ground within 1,000 feet of the project footprint), the POA manager must notify the U.S. Fish and Wildlife Service (USFWS) immediately. The POA manager must call the Hopper Mountain National Wildlife Refuge office (phone: 805.644.5185) and the Ventura Fish and Wildlife Office (phone: 805.644.1766).	

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		7) If the USFWS has data to indicate that any California condor is on the vicinity of the Grapevine area, the USFWS shall be allowed access to the project to make visual observations of the bird(s) and attempt to haze the bird away from the area. Residents and people other than USFWS-designated personnel are not authorized to haze the condors. The USFWS shall be allowed to attempt hazing as often and repeatedly as it deems necessary to prevent habituation or other injury to a condor. 8) The POA manager may direct Tejon Ranch staff, Grapevine occupants and their guests to cease any behavior that constitutes an attractive nuisance or otherwise presents an unreasonable and avoidable danger to California condors, in consultation with the project Lead Biologist. 9) The POA manager shall also provide for routine community maintenance activities that will include regular efforts to eliminate micro trash on and near all roads where human presence has occurred. MM 4.4-9 Trails. a) Construction. Prior to approval of the first final map, the Pproject Pproponent will submit the final trail map for the associated designated open space and verification from the project Lead Biologist that the trail map is in substantial conformance with the trail map analyzed in the EIR (including up to 5 acres of ground disturbance for trail adjustments in the southern foothills and trail/underground utility crossings across the aqueduct) and the final trail alignment avoids impacts to riparian habitat, oak trees, two-striped garter snake, tricolored blackbird, oak titmouse, northern harrier, Nuttall's woodpecker, purple martin, yellow warbler, Lawrence's goldfinch (nesting habitat), black-chinned sparrow, and Buena Vista Lake shrew. No new trails will occur within 0.25 mile of an active golden eagle nest, within or outside of the viewshed of that nest. Trail alignments may be altered from the conceptual plan if the project Lead Biologist makes a determination that the revised alignment would not result in new or increased impacts than previously considered. b) Signage. At a minimum, the following information will be posted at trailheads and/or on-trail signage: i. Pets must be leashed at all times while in project open space. ii. Dog owners are required to pick up and pack out their animals' feces. iii. Intentional feeding of wildlife is prohibited. iv. People and their animals must stay on existing trails at all times. v. Access permitted only from dawn to dusk.	

Table 1-3. Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation			
Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		Additionally, signage shall be clearly posted at the road or trail entrance to the TUMSHCP lands that is prominent and requires no admittance without permission and cites to the TUMSHCP.	
		MM 4.4-10 Riparian and Sensitive Natural Communities. Prior to issuance of the first grading permit in each Plan Area, the project proponent shall mitigate for the loss of riparian areas, following the Conceptual Mitigation Plan for Impacts to Waters of the State for the Grapevine Project (Attachment A-3 of Appendix F), at the following rates: a. *Wetland Waters:* 2:1, including 1:1 restoration and 1:1 enhancement, of wetland waters. b. *Streams*: i. 1:1 preservation of ephemeral and/or intermittent streams for permanent impacts to ephemeral non-wetland waters of the state (non-riparian) ii. 1:1 preservation of intermittent streams for permanent impacts to intermittent non-wetland waters of the state (non-riparian) iii. 1:1 restoration of intermittent streams for temporary impacts to intermittent non-wetland waters of the state (non-riparian) *c. Riparian Vegetation*: 2:1, including 1:1 restoration and 1:1 enhancement of riparian vegetation. MM 4.4-11 Monitoring and Enforcement. Subsequent to issuance of the first building permit and prior to issuance of the first certificate of occupancy, the project proponent shall submit CC&Rs as provided in MM 4.4-8 that designate the POA manager and a Lead Biologist (which functions may be vested in one person), to be funded by the POA, and vest them with authority to enforce the CC&Rs and require the following management activities: a. Conduct periodic maintenance patrols to remove litter, control feral cats and dogs, maintain wildlife friendly fencing, manage fire hazards. b. Monitor OA District to ensure no ground disturbance in the 100-foot buffer along the aqueduct other than for the trail/road/utility rights of way across the aqueduct, no irrigation, no paved trails or lighting, and to ensure all uses are consistent with allowed/prohibited uses. c. Monitor OA District trail use, enforce bald eagle roost buffers or golden eagle nest buffers; d. If overuse of trails is documented by the land manager, then, in consultation with the Lead Biologist, one or more of the following management measures will be implemented: trail closures, trail repair, increased patrols, signage, and/or fencing to restrict use. e. Any future open space uses involving ground disturbance shall be reviewed by the project Lead Biologist to ensure zoning and CC&R restrictions are followed, ensure wildlife	

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Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
		connectivity is maintained; listed species and riparian habitat would be avoided, if feasible. If avoidance of listed species and riparian habitat is not feasible, future permitting may be required.	

Section 4.3, Air Quality

MM-4.3-7 is amended to reflect the language of MM-4.3-7 in the Executive Summary Table 1-3, Summary of Impacts, Mitigation Measures, and Level of Significance after Mitigation (i.e., sections B and C are added to the mitigation measure as indicated below.) Changes to MM-4.3-7 are shown in underline for added text.

Pages 4.3-48 through 4.3-49

MM 4.3-7

A. **Sensitive Uses and High Volume Internal Roadways**. Prior to County approval of a tentative tract map that includes residential units or other sensitive uses, the applicant shall submit to the County and San Joaquin Valley Air Pollution Control District (SJVAPCD) a health risk assessment (HRA). The HRA shall be completed in accordance with the methodological requirements of the SJVAPCD, and shall include a cumulative assessment if or as directed by SJVAPCD. The HRA shall consider TAC emissions from mobile sources from I-5 within the prescribed distances of 3,100 feet east of Interstate-5 or within 4,500 feet west of Interstate-5, or within 500 feet of the project's higher volume Freeway Connection and Major Arterial/Collector, which are the only internal project roadway street types that have the potential for exceeding 50,000 trips per day at project buildout. If the HRA identifies any sensitive receptor exposure that equals or exceeds 20 in 1 million for cancer risk or 1.0 for non-cancer indices (or future more stringent thresholds as may be adopted by the District and implemented by the County for use on projects subject to the County's lead agency authority under the California Environmental Quality Act) (District TAC Thresholds), the applicant shall submit a Toxic Air Contaminant (TAC) Emission Reduction Plan to the SJVAPCD for review and concurrence. Following SJVAPCD review and concurrence, a copy of the TAC Emission Reduction Plan, confirming that no sensitive receptors on the project site will be exposed to TAC risks in excess of District TAC Thresholds, shall be provided to the Kern County Planning and Natural Resources Department, prior to County approval of the tentative tract map. In the TAC Emission Reduction Plan, TAC exposure measures shall be implemented to assure that no sensitive receptors are exposed to TAC-related health impacts that equal or exceed the SJVAPCD thresholds. TAC exposure reduction measures include, but are not limited to, setbacks; vegetative barriers; heating, ventilation, and air conditioning (HVAC) system filtration technologies; etc., and shall be required as a condition of approval for the tentative tract map, and/or required as a condition prior to issuance of a building permit approval for future sensitive use(s) included in the tentative tract map.

B. **Sensitive Uses and Future Employment Uses.** Prior to County approval of a commercial site plan for a future commercial, industrial, or retail use, the applicant shall submit to the County and San Joaquin Valley Air Pollution Control District (SJVAPCD) a description of the types, quantities, and uses of toxic air contaminants (TACs) from operational activities including, but not limited to, trucking and processing or light manufacturing activities, which shall include the distance between the site plan boundary and the nearest sensitive receptor. TAC usage associated with routine office and building maintenance operations does not need to be quantified. Unless otherwise directed by the District staff based on a staff determination that the TAC quantities associated with the commercial site plan do not present a potential TAC exposure risk to any project sensitive uses, the applicant shall submit a TAC health risk assessment (HRA) to the

District for its review and concurrence. The HRA shall be completed in accordance with the methodological requirements of the SJVAPCD, and shall include a cumulative assessment of other project TAC emission sources if or as directed by SJVAPCD. If the HRA identifies any sensitive receptor exposure that equals or exceeds 20 in 1 million for cancer risk or 1.0 for noncancer indices (or future more stringent thresholds as may be adopted by the District and approved by the County for use on projects subject to the County's lead agency authority under the California Environmental Quality Act) (District TAC Thresholds), the applicant shall submit a Toxic Air Contaminant (TAC) Emission Reduction Plan to the SJVAPCD for review and concurrence. Following SJVAPCD review and concurrence, a copy of the TAC Emission Reduction Plan, confirming that no sensitive receptor on the project site will be exposed to TAC risks in excess of District TAC Thresholds, shall be provided to the Kern County Planning and Natural Resources Department, prior to County approval of the commercial site plan. The TAC Emission Reduction Plan may include measures to be applied to future buildings within the commercial site plan area (e.g., installation of filtration devices, storage limitations, or other operational measures, as well as specifications for truck routes, loading dock configuration(s) and/or location(s), loading procedures and other mobile source TAC emission measures) to assure that no sensitive receptors are exposed to TAC-related health impacts that equal or exceed the SJVAPCD thresholds from the commercial, industrial or retail use(s) included in the commercial site plan.

C. **Meteorological Data for Dispersion Modeling.** All dispersion modeling in support of the health risk assessments (HRA) and ambient air quality analyses (AAQA) specified in MM-4.3-7A and MM-4.3-7B shall use meteorological data collected on the Grapevine project site. The meteorological data shall consist of one year of data collected onsite, and shall be reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for use in U.S. Environmental Protection Agency approved air quality dispersion models prior to use in a health risk assessment (HRA).

7.4 Response to Comments

The comment letters received on the Draft SREIR are addressed in their entirety in this section. Each comment contained in the letter has been assigned a reference code. The responses to reference code comments follow each letter.

State

Comment Letter 1: Department of Transportation District 6 (October 14, 2019)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5421
FAX (559) 488-4088
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

October 14, 2019

6-KER-5
GRAPEVINE SPECIFIC
COMMUNITY PLAN

SENT VIA EMAIL

Mrs. Cindi Hoover
Advance Planning Division
Kern County Planning and Natural Resources
2700 M Street
Bakersfield, CA 93301

Dear Mrs. Hoover:

Thank you for the opportunity to review the **Draft Supplemental Recirculated Environmental Impact Report (DSREIR) for the Grapevine Specific and Community Plan** and the **Supplemental Recirculated Transportation Impact Study Technical Report (SRTISTR)**. The plan seeks approval for 12,000 to 14,000 dwelling units and 5.1 million square feet of commercial and industrial land uses. The project site consists of 8,010 acres and is located on both sides of Interstate-5 (I-5) at the Grapevine area in Kern County.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development - Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize a multimodal transportation network. **1-A**

Caltrans provides the *following comments* to address previous letter dated July 29, 2019 (enclosed) regarding the SRTISTR and current DSREIR consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Section 4.16.4 Supplemental Recirculated EIR (SREIR) new and updated analysis of this report identified twenty-two (22) alternative buildout screening scenarios resulting in lower "Internal Capture Rates" (ICRs) than in the updated 28.7% home-based work (HBW) ICR and the final environmental report(FEIR) 2016 analysis. Caltrans concurs with the number of alternative scenarios. The Supplemental analysis examines the appropriate scenarios which represent complete range of potential outcomes. **1-B**

2. The report states that five (5) of the scenarios were found to generate higher weekday levels of Vehicles Miles Traveled (VMT) than in the updated 28.7% HBW ICR and were selected for full analysis. **1-C**

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

The scenarios are adequate to evaluate lower ICR's. Caltrans concurs that the supplemental analysis examines the appropriate scenarios which represent complete range of potential outcomes. **Cont. 1-C**

3. The report indicates the use of the 2014 Kern COG model provides a more conservative assessment of potential ICR-related transportation and traffic impacts than the current 2018 Kern COG model. Caltrans concurs with the use of the more conservative model. **1-D**

4. The Interim B alternative in the report shows that the project roadway network is to be connected to the existing I-5 Grapevine Road Interchange. It further states 5,000 homes and 1,700,000 square feet of non-residential land uses may be constructed until capacity would potentially be exceeded. Caltrans accepts the following changes to Section MM 4.16-7 that prior to connecting any project roadway network to the existing I-5 Grapevine Road Interchange, the project proponent shall be required to consult with Caltrans and implement appropriate interchange enhancements by the relocation of northbound and southbound exit and entrance ramps approximately ½ mile to the north. The entire Section MM 4.16-7 should read as follows: **1-E**

   "Prior to the issuance of any occupancy permit that would facilitate development within the project site that could be accessed utilizing the existing I-5 Grapevine Road Interchange, the project proponent shall be required to consult with Caltrans and implement appropriate interchange enhancements by relocating northbound and southbound exit and entrance ramps approximately ½ mile to the north, and other improvements such as auxiliary lanes, acceleration lanes, lighting and signage."

5. Caltrans provided comments on the Supplemental Recirculated Transportation Impact Study Technical Report on July 29, 2019. Caltrans requested edits to MM 4.16-3 and MM 4.16-8. Caltrans concurs with the edits made to these MMs in the DSREIR. **1-F**

6. Caltrans accepts the added monitoring check points in the MM 4.16-9 and does not need to amend the existing Traffic Mitigation Agreements approved on September 22, 2017 and October 6, 2017 at this time. **1-G**

If you have any further questions, please contact Lupita Mendoza, Transportation Planner, at (559) 488-4260.

Sincerely,

Lorena Mendibles

LORENA MENDIBLES, CHIEF
Transportation Planning-South

c: Gail Miller and Eric Olson, Caltrans
Derek Abbott, Tejon RanchCorp
Craig Murphy, Kern County Planning and Natural Resources Dept.
Warren Maxwell, Kern County Public Works Roads Dept.
Fred Choa, Fehr and Peers
Tony V. Harris, pointC

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Response to Comment Letter 1: Department of Transportation District 6 (October 14, 2019)

1-A: Thank you for your comment and for your participation in this public process. This comment summarizes the project, summarizes the California Department of Transportation's (Caltrans's) governmental purpose, and is introductory of the comments that follow. This is not a comment on the SREIR or its analysis and therefore no further response is necessary.

1-B: This comment confirms that Caltrans concurs with the number of alternative ICR scenarios analyzed in the SREIR. The Lead Agency agrees with this comment's assessment that the SREIR examines an appropriate range of ICR scenarios.

1-C: This comment correctly explains that five of the ICR scenarios analyzed in the SREIR were found to generate higher weekday levels of vehicle miles traveled as compared to the updated 28.7% Home-Based Work (HBW) ICR and were selected for full analyses in the SREIR. The Lead Agency agrees with this comment's assessment that the SREIR examines an appropriate range of ICR scenarios, and that analyzed scenarios are adequate to evaluate lower ICRs.

1-D: The Lead Agency concurs with comment's assessment that the 2014 Kern Council of Governments (Kern COG) model provides a more conservative assessment of potential ICR-related transportation and traffic impacts than the current 2018 Kern COG models, and that the SREIR's reliance on the 2015 Kern COG model was appropriate.

1-E: This comment summarizes the determinations of the 2019 Traffic Study and recommends revisions to MM 4.16-7.

As discussed in the FEIR (2016) at page 7-325, "the project will construct an internal roadway network, use the existing Laval Road interchange, and potentially another improved access location (subject to Caltrans approval) for interim development and build a new interchange to meet demand at full buildout." The FEIR further explains that interim access facilities could be used until such time as additional project development exceed applicable level of service (LOS) standards at any interim access location. The construction of the new interchange will be required before any additional development could occur. The FEIR analyzed two interim options. First, it analyzed the interim use of the existing Laval Road interchange, which is analyzed as "Interim A" in the FEIR and depicted in FEIR Appendix JJ. Second, the FEIR also analyzed "Interim B," which would construct an interim access interchange by replacing the on- and off-ramps at the existing interchange with new on- and off-ramps approximately ½ mile to the north, and which would connect to internal project roadways extending south along both sides of Interstate 5 (I-5) to the existing underpass at Grapevine Road. Under Interim B, the existing I-5/Grapevine interchange ramps would be replaced and closed. Interim B is depicted in FEIR Appendix JJ. This comment's recommended revisions to MM 4.16-7 would implement Interim B at such time as additional project development exceeds applicable LOS standards.

As requested, mitigation measure MM 4.16-7 is amended as shown below, with deleted text shown in ~~strikethrough~~ and new text shown in <u>double underline</u>:

> **MM 4.16-7** Prior to the issuance of any occupancy permit that would facilitate development within the project site that could be accessed utilizing the existing I-5/Grapevine Road interchange, the project proponent shall be required to consult with Caltrans and ~~identify~~

implement appropriate interchange enhancements by relocating northbound and southbound exit and entrance ramps approximately ½ mile to the north, and other improvements such as ~~implementing gore points,~~ auxiliary lanes, acceleration lanes, lighting, and signage~~, and relocation of Northbound and Southbound exit and entrance ramps approximately ½ mile to the north~~.

1-F: This comment explains that Caltrans concurs with the text of MM 4.16-3 and MM 4.16-8. No further response is necessary.

1-G: This comment explains that Caltrans concurs with the text of MM 4.6-9 and confirms sufficiency of the existing Traffic Mitigation Agreement. No further response is necessary.

Comment Letter 2: California Department of Water Resources (October 14, 2019)

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

October 14, 2019

Ms. Cindi Hoover
Planner II
Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, California 93301-2323
VIA email: hooverc@kerncounty.com

SCH# 2014041005 Grapevine Specific and Community Plan by Tejon Ranchcorp (2019) - Supplemental EIR

Dear Ms. Hoover:

The California Department of Water Resources (DWR) staff has reviewed Grapevine Specific and Community Plan by Tejon Ranchcorp (2019) and provided the following comments. **2-A**

DWR has previously submitted comments regarding the project traffic plan. As part of the responses to the DWR comments, Tejon Ranchcorp proposed to construct an alternative haul road to detour DWR maintenance vehicle and aggregate mine truck traffic away from the western portion of the Edmonston Pumping Plant Road. The current Edmonston Pumping Plant Road is 24-feet wide with improved shoulders and is constructed to accommodate DWR operations and maintenance vehicle traffic as well as two-way heavy aggregate-hauling truck traffic. **2-B**

The proposed project's haul road would extend from Edmonston Pumping Plant Road to Laval Road to the north and would require construction of approximately 3.5-4 miles of new road. The approximately 4-mile segment of Laval Road between the proposed intersection of the proposed haul road and the outlet stores at Tejon Parkway is a 20-foot wide rural two-lane road, plus shoulders, and the road pavement is in poor condition (alligator cracking) based on the latest Google photo imagery. The proposed project construction of the new haul road and upgrades to Laval Road must be designed to meet the requirements of two-way heavy truck traffic per the Caltrans Highway Design Manual. Compliance with the Caltrans Highway Design Manual should be detailed in the re-circulated Supplemental Final EIR. **2-C**

Tejon Ranchcorp has not addressed the traffic or noise impact to the section of Laval Road between I-5 and the proposed haul road. That section is a 20-foot wide rural two-lane road with unimproved shoulders. The road pavement appears to be in poor condition based on available street views within the affected section. This section of the proposed alternate haul route is not an adequate replacement for the current haul route **2-D**

on the Edmonston Pumping Plant Road. These issues need to be analyzed in the Supplemental Final EIR.

Cont. 2-D

If you have any questions, please contact Kristen Greenacre at (916) 653-4264 or Kristen.Greenacre@water.ca.gov

Sincerely,

Nancy Finch
Attorney III

cc: State Clearinghouse
1400 10th Street, #12
Sacramento, California 95814

Response to Comment Letter 2: California Department of Water Resources (October 14, 2019)

2-A: Thank you for your comments and your participation in this public process. This introductory comment does not address the adequacy of the SREIR, and no further response is required.

The Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is in consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; *see also Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Here, the issues identified for analysis in Comments 2-B, 2-C, and 2-D fall outside the scope of the limited CEQA review required by the Judgement, as they concern potential impacts associated with the project's proposed improvement of paving an existing private agricultural haul road (Haul Road) east of the project development footprint and extending north-south between the existing Edmonston Pumping Plant Road and the existing Laval Road.

The Haul Road trips are not generated by the project and are thus unrelated to potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR during the project operation and thus outside the scope of the SREIR. Nevertheless, responses to Comments 2-B, 2-C, and 2-D are set forth in Responses 2-B, 2-C, and 2-D, below.

2-B: As discussed in the SREIR Project Description, page 3-81, an existing agricultural road (Haul Road) east of the project development footprint would be improved from the existing Edmonston Pumping Plant Road north to Laval Road. The purpose of the Haul Road is to provide an alternative route for heavy vehicle traffic associated with third party uses generally located along Edmonston Pumping Plant Road southeast of the project. The Haul Road alternative route is not required by project traffic analysis but is proposed by the project proponent to separate heavy

vehicle traffic from future community-oriented uses. The Haul Road alternative route would only be implemented concurrent with project development south of the California Aqueduct, which accesses the I-5/Grapevine Interchange. Regular light-vehicle car and truck traffic associated with the third-party uses would not be precluded from utilizing Edmonston Pumping Plant Road to travel to the I-5/Grapevine Interchange.

The Haul Road would be paved to provide one travel lane in each direction and serve to route utility and quarry heavy vehicle traffic originating and ending outside of the project boundaries around the proposed development. The Haul Road would connect to the existing public Laval Road, which provides a road connection to other roads and the I-5/Wheeler Ridge Interchange. In terms of access to I-5 on-ramp and off-ramp operations, the I-5/Wheeler Ridge interchange would provide improved access and safety when compared to the existing I-5/Grapevine Road interchange that is located at the base of the Grapevine Grade. The Haul Road is depicted on SREIR Figure 3-4.

As further discussed on SREIR page 4.16-4, Edmonston Pumping Plant Road is a private two-lane roadway traveling east-west through the project site and connects to Grapevine Road near the I-5/Grapevine Road interchange. Edmonston Pumping Plant Road travels approximately 6 miles east from the I-5/Grapevine Road interchange to the Edmonston Pumping Plant operated by the State Department of Water Resources. Other uses adjacent to and utilizing Edmonston Pumping Plant Road include an aggregate quarry, power plant, and agricultural operations.

As discussed on SREIR page 4.16-4, Laval Road is designated as a County collector roadway constructed to a County Collector Highway standard that provides access to I-5 via Wheeler Ridge Road. Immediately east of I-5, Laval Road is a four-lane divided roadway that provides access to the Outlets at Tejon before becoming a County Collector with two paved lanes east of the Outlets at Tejon.

As this comment correctly notes, Edmonston Pumping Plant Road is approximately 24 feet wide with improved shoulders and is constructed to accommodate Department of Water Resources operations and maintenance vehicle traffic, as well as two-way heavy aggregate-hauling truck traffic. This comment does not address the substance of the SREIR or its analysis, and no further response is required. Please also see Response 2-A.

2-C: The north-south haul route is included in the project and will be designed and constructed using Kern County Public Works "Division One – Standards for Streets" – Chapter 4 – Design & Construction Standards. The final roadway design will be based on traffic volumes to and from the Edmonston Pumping Plant. As part of the I-5/Grapevine interchange traffic counts conducted for the FEIR and SREIR, fewer than 10 trucks were observed traveling east of the Grapevine Road (East) / Edmonston Pumping Plant Road intersection during weekday AM or PM Peak Hour Conditions. The roadway cross-section will be reviewed and approved by the Kern County Director of Public Works and their staff.

Kern County Development Standards for roadways reference Caltrans Highway Design Manual requirements. It should be noted that the only reference in the Standards for Streets regarding Caltrans Highway Design Manual has to do with structural strength: "Structural Section shall be designed in accordance with the current Caltrans Highway Design Manual" and "Arterial and collector highways - TI to be designated by the Director."

Please also see Response 2-A.

2-D: Per Response 2-B, Laval Road in the section between the Haul Road and Tejon Ranch Commerce Center is a County Collector and includes two 11-foot minimum travel lanes and an unpaved shoulder and larger unvegetated right-of-way. Per Response 2-C, as part of the I-5/Grapevine interchange traffic counts conducted for the FEIR and SREIR, fewer than 10 vehicles were observed traveling east of the Grapevine Road (East) / Edmonston Pumping Plant Road intersection during weekday AM or PM Peak Hour Conditions. This traffic volume was redirected to Laval Road for the purposes of project traffic analysis, and no impacts were identified in this portion of Laval Road. See the SREIR for further information on project traffic analysis.

Project-related noise impacts were previously analyzed, and more information can be found in the FEIR. The potential use of the existing Laval Road segment between the proposed intersection of the proposed haul road and the outlet stores at Tejon Parkway would not be anticipated to result in noise impacts to any noise-sensitive receivers. There are not currently any residences existing within 100 feet of Laval Road along this 4-mile segment, nor are residents or other sensitive uses in this location included in the project. As Laval Road approaches Wheeler Ridge Road and I-5, haul trucks would represent a small percentage of the exiting heavy truck operations associated with the Outlets at Tejon, the Blue Beacon Truck Wash Center, and Caterpillar equipment sales. Consequently, project truck-related noise levels would not be anticipated to appreciably change for the motel facilities in this area. This section of Laval Road is paved, although the concerns about the condition of the road are noted.

These comments will be provided to the Planning Commission and Board of Supervisors for their consideration. Please also see Response 2-A.

Comment Letter 3: Department of California Highway Patrol (October 10, 2019)

State of California-Transportation Agency GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
1033 Lebec Road
Lebec, CA 93243
(661) 248-6655
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

October 10, 2019

File No.: 430.15811.Grapevine Response EIR #3

Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301-2323

Attention: Ms. Lorelei Oviatt

Dear Ms. Lorelei Oviatt:

The California Highway Patrol (CHP) Fort Tejon Area recently received a Draft Supplemental Environmental Impact Report for the Grapevine Specific and Community Plan project. The State Clearing House number is 2014041005. A review of the Draft Supplemental Environmental Impact Report for the Grapevine has raised several concerns. The proposed site development could include approximately 12,000 residential units, over two million square feet of office development, over one point five million square feet of commercial development, over seven million square feet of industrial development, approximately 85 acres of educational development, and other public facilities. **3-A**

The Grapevine Specific and Community Plan project will likely result in an increase in several aspects of CHP functions within the Fort Tejon Area and Bakersfield Area. The project will increase the number of calls into the CHP Bakersfield Area Communication Center, increase the number of calls for service within the CHP Fort Tejon Area, increase the amount of traffic enforcement by the CHP Fort Tejon Area within this geographical area of unincorporated Kern County necessary to protect life and property, increase traffic within the geographical area of unincorporated Kern County which would increase response times of CHP Fort Tejon Area officers responding to calls for service in other geographical areas of Kern County, and increase the amount of emergency services the CHP Fort Tejon Area provides within this area of Kern County. **3-B**

Thank you for allowing me the opportunity to comment on Grapevine Specific and Community Plan Project. Should you have any questions, please contact me or Sergeant John Tyler, ID 18484 at (661) 248-6655.

Sincerely,

C. FOUYER, Lieutenant
Commander
Fort Tejon Area

cc: Special Projects Section
Central Division
Bakersfield Area

Safety, Service, and Security *An Internationally Accredited Agency*

Response to Comment Letter 3: Department of California Highway Patrol (October 10, 2019)

3-A: Thank you for your participation in this public process. This introductory comment accurately describes project features. This comment does not address the adequacy of the SREIR, and no further response is required. The mention of "several concerns" is addressed in Response to Comment 3-B, below.

3-B: The Lead Agency notes that the Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Here, the comment cited concerns regarding increased demand for California Highway Patrol (CHP) services due to the project falling outside the scope of the limited CEQA review required by the Judgement. Specifically, all project-related environmental effects associated with CHP services were addressed in the FEIR (2016) and all determinations related to such analysis were unaffected by the Judgment. Further, increased CHP service demand is not an effect that would be caused by longer vehicle trips and higher vehicle miles traveled. Since this issue falls outside the scope of the Judgement, and since this issue could have been, but was not, litigated during the lawsuit challenging the FEIR (2016), it is not required to be addressed in the SREIR.

Nevertheless, for informational purposes, the Lead Agency notes that project impacts relative to CHP services were analyzed in the FEIR (2016)—see page 4.14-2 for a description of the project's environmental setting relative to CHP, and pages 4.14-12 through 4.14-14 for analysis of the project's potential impacts to police services, including those provided by CHP. The FEIR concludes that, with mitigation, the project's potential environmental impact relative to the maintenance of acceptable service ratios, response times, or other performance objectives for police/sheriff protection services would be less than significant.

The FEIR explains that, to accommodate the project, the CHP operated commercial vehicle enforcement facility (CVEF) located along southbound I-5 north of the Grapevine Road/I-5 interchange would need to be relocated to an area west of I-5 near the confluence of I-5 and State Route (SR) 99. Impacts associated with relocation of the CVEF are analyzed in the Environmental Impact Report (EIR) as part of project implementation. To ensure that project construction and implementation would not result in disruption of the CVEF area operations, the new CVEF location would be constructed prior to the existing CVEF area being closed.

Finally, the EIR explains that a new sheriff substation would be included in the project, in accordance with Mitigation Measures MM 4.14-3 and MM 4.14-4. This new substation, as well as the Frazier Park Substation and Lamont Substation, would be the primary responders to the project site, and the CHP Fort Tejon Area would have primary traffic enforcement responsibility on I-5 through the project site. Mitigation Measure MM 4.14-4 further provides that the new sheriff substation may be developed as a joint-use facility with other community service or civic uses, such as first responders. Please also see Global Response 7: Management of Services, beginning on page 7-335 of the FEIR. In the FEIR, Mitigation Measure MM 4.4-14 was revised to clarify that the project proponent is responsible for constructing the entirety of the new sheriff station; please see FEIR page 7-575 for further details.

Comment Letter 4A: California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (September 26, 2019)

California
Department of Conservation
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor
David Bunn, Director

September 26, 2019

Kern County Planning and Natural Resources Department
Attn: Mrs. Cindi Hoover
2700 "M" Street, Suite 100
Bakersfield, CA 93301
hooverc@kerncounty.com

Subject: Grapevine Specific and Community Plan by Tejon Ranchcorp (2019)
SCH#: 2014041005

Dear Kern County Planning and Natural Resources Department:

The Department of Conservation, Division of Oil, Gas, and Geothermal Resources (Division) regulates oil and gas production facilities in addition to supervising the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. All oil and gas well operations are subject to the Division's well permitting process, and all oil and gas operations must abide by any pertinent Division statute or regulation. The Division has received and reviewed the above referenced Initial Study and submits the following evaluation. **4A-A**

The project is located within **Kern County**, within the Tejon oil field, Tejon North oil field, and outside administrative oil boundaries. Division records indicate there are **183** known oil and gas wells located within the project boundary, **123** known abandoned oil and gas wells and **60** active and idle oil and gas wells. Please see the enclosed Well Review Report for additional information about these wells. **4A-B**

According to Section 3208.1 (a) of the Public Resources Code (PRC), the supervisor or district deputy may order the re-abandonment of any previously abandoned well if the supervisor or district deputy has reason to question the integrity of the previous abandonment. Depending on circumstances described in PRC 3208.1 (b) (1), (2), (3), and PRC 3208.1 (c), the landowner, developer, or project owner could be responsible for re-abandonment operations. **4A-C**

The developer/project owner is required to consult with the Division prior to the commencement of any work to uncover a known abandoned well. **4A-D**

If during project operations any unrecorded wells are encountered, the project developer or property owner shall immediately notify the Division's Inland District office for consultation. Remedial plugging and abandonment operations may be required. **4A-E**

State of California Natural Resources Agency | Department of Conservation
Inland District, 4800 Stockdale Hwy., Suite 100, Bakersfield, CA 93309
conservation.ca.gov | T: (661) 322-4031 | F: (661) 861-0279

Should you have any questions, please contact Rohit Sharma at (661) 666-8584 or via e-mail at Rohit.Sharma@conservation.ca.gov

4A-F

Sincerely,

Cameron D. Campbell
District Deputy, Inland District

California
Department of Conservation
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor
David Bunn, Director

WELL REVIEW REPORT

The Division of Oil, Gas, and Geothermal Resources (Division) possesses records regarding oil and gas wells drilled and operated in the State of California. (Cal. Public Res. Code, §§ 3215, 3126.) Based on the Division's records and expertise, the Division has undertaken review of the well(s) referenced below at the request of a party either having jurisdiction over the use of the parcel referenced above, or a party having control over, or an interest in, the use of the parcel. This request is considered by the Division as voluntary participation in the Division's Well Review Program. The Division provides the information below to facilitate local permitting agencies' exercise of local land use authority regarding use of land where oil and gas wells are situated. In contrast, the Division does not possess local land use decision authority, but alternatively has authority for permitting any necessary work on any well in the state. (Cal. Public Res. Code, §§ 3106 and 3203.)

4A-G

The Division has conducted a record review of the known well(s) located on the referenced parcel(s). The record review process consists of determining the possible location, last known operator, and abandonment status of any known well on the property by examining records previously submitted to the Division, and then comparing the abandonment status with current abandonment standards.

4A-H

In general, a well may be considered adequately abandoned when both the record review and on-site evaluation process reflect that steps have been taken to isolate all oil-bearing or gas-bearing strata encountered in the well, and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent damage to life, health, property, and other resources. (Cal. Public Res. Code, § 3208.)

4A-I

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The local permitting agency, property owner, and/or developer should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues are non-exhaustively identified in the following comments and are provided by the Division for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a parcel-by-parcel or well-by-well basis. **As stated above, the Division provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near oil or gas wells.** **4A-J**

1. The Division recommends that access to any well located on the property be maintained in the event abandonment or re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, and decking. **4A-K**

2. Nothing guarantees that wells abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells that are presently abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of the abandonment or the potential need for future re-abandonment. **4A-L**

3. Based on comments **1** and **2** above, the Division makes the following general recommendations: **4A-M**

   a. **Maintain physical access to all oil and gas wells.**

   b. **Ensure that the abandonment of all oil and gas wells is to current standards.**

If the local permitting agency, property owner, and/or developer chooses not to follow recommendation b for each well located on the development site property, the Division believes that the importance of following recommendation a for each well located on the subject property increases. If recommendation a cannot be followed **4A-N**

for each well located on the subject property, then the Division advises the local permitting agency, property owner, and/or developer to consider any and all alternatives to proposed construction or development on the site (see comment 4 below).

Cont. 4A-N

4. Sections 3208 and 3255(a)(3) of the Public Resources Code give the Division the authority to order the re-abandonment of any well that is hazardous, or that poses a danger to life, health, or natural resources. Responsibility for re-abandonment costs for any well may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general recommendations set forth in this letter. (Cal. Public Res. Code, § 3208.1.)

4A-O

5. Maintaining sufficient access to an oil or gas well may be generally described as maintaining "rig access" to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

4A-P

6. The Division recommends that a local permitting agency consider the use of surface mitigation measures as a condition for project approval, if and when appropriate. Examples of surface mitigation measures include venting systems for wells, venting systems for parking lots, patios, and other hardscape, methane barriers for building foundations, methane detection systems, and collection cellars for well fluids. The Division **does not** regulate the design, installation, operation, or adequacy of such measures. The Division recommends that such surface mitigation measures are designed, installed, and operated by qualified engineers. The permitting of surface mitigation measures falls under the jurisdiction of the local permitting agency.

4A-Q

7. If during the course of development of a parcel any unknown wells are discovered, the Division should be notified immediately so that the newly discovered well(s) can be incorporated into the Well Review processes.

4A-R

8. The Division recommends that any soil containing significant amounts of hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

4A-S

9. The Division recommends that the information contained in this Well Review Report, and any pertinent information obtained after the issuance of this report, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil or gas wells. **4A-T**

No well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re-abandonment work. NOTE: The Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start. **4A-U**

To reiterate, the local permitting agency, property owner, and/or developer should be aware of, and fully understand, that the above comments are made by the Division with the intent to encourage full consideration of significant and potentially dangerous issues associated with development near oil or gas wells. **4A-V**

Total number of known wells on development site: **183 (123 Abandoned and 60 Active)**

Please refer to the Division's online Well Finder map for well location at *http://www.conservation.ca.gov/dog/Pages/Wellfinder.aspx*

California Code of Regulations (CCR) and PRC may be found at *https://www.conservation.ca.gov/dog/pubs_stats/Documents/DOGGR-Statutes-Regs.pdf*

CCR accessed on September 26, 2019 for this review. **4A-W**

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APINumber	Well Designation	WellEvaluation	Status	Detail
0402932544	"Unspecified" 1	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402942426	"Unspecified" 1	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.3**	Requirement of 25' plug from surface not met. Requirement of Plugging at Casing Shoe not met.
0402932538	"Unspecified" 38-6	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.2 (a)(1)**	Requirement of 25' plug from surface not met. Open hole fresh water zone plug requirement not met.
0402918817	"Unspecified" 57-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.2 (a)(1)**	Requirement of 25' plug from surface not met. Open hole fresh water zone plug requirement not met.
0402918816	"E. W. Pauley" 33-9	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918737	"J.V." 555-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
0402918713	"J.V." 56-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918715	"J.V." 57-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.2**	Requirements of plugging BFW zone not met.
0402918719	"J.V." 65-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918721	"J.V." 67-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
0402900272	"J.V." 68-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b), 1723.1**	No mud weight and density information. Requirements of plugging O&G zone not met.
0402918723	"J.V." 75-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.

APINumber	Well Designation	WellEvaluation	Status	Detail
04029118725	"J.V." 77-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
04029118729	"J.V." 85-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
04029118751	"J.V." 875-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
04029118731	"J.V." 88-32	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
04029118841	"Reserve-E. W. Pauley" 3-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5. 1723.2 (a)(1)**	Requirement of 25 plug from surface not met. Open hole fresh water zone plug requirement not met.
04029118843	"Reserve-E. W. Pauley" 6-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
04029118894	"Reserve-E. W. Pauley" 12-34	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
04029118873	"Reserve-E. W. Pauley" 157-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
04029118897	"Reserve-E. W. Pauley" 31-34	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
04029118900	"Reserve-E. W. Pauley" 32A-34	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
04029118904	"Reserve-E. W. Pauley" 41A-34	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
04029118906	"Reserve-E. W. Pauley" 42A-34	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.

2

APINumber	Well Designation	WellEvaluation	Status	Detail
0402918907	"Reserve-E. W., Pauley" 43-34	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.2**	Requirements of plugging BFW zone not met.
0402918855	"Reserve-E. W., Pauley" 57-V-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918859	"Reserve-E. W., Pauley" 65-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25 plug from surface not met.
0402918861	"Reserve-E. W., Pauley" 66-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918862	"Reserve-E. W., Pauley" 668-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918863	"Reserve-E. W., Pauley" 67-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b), 1723.1 (b)**	Requirement of mud weight and density information unknown. Requirements of plugging O&G zone not met.
0402918868	"Reserve-E. W., Pauley" 78-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25 plug from surface not met.
0402918869	"Reserve-E. W., Pauley" 78A-33	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25 plug from surface not met.
0402918920	"Reserve-Petrol" 33-5	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25 plug from surface not met.
0402932547	"Richfield-Tejon A" 52	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25 plug from surface not met.
0402918918	"Ridge Hill-Tejon" 34-3	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918919	"Ridge Hill-Tejon" 34-4	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.

3

APINumber	Well Designation	WellEvaluation	Status	Detail
0402920516	"R-S-T" 18-29	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402920517	"R-S-T" 36-29	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932523	"Tejon" 1	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932535	"Tejon" 2	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.2**	Requirement of 25' plug from surface not met. Requirements of plugging BFW zone not met.
0402932524	"Tejon" 4	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.2**	Requirement of 25' plug from surface not met. Requirements of plugging BFW zone not met.
0402932536	"Tejon" 8	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932525	"Tejon" 9	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932528	"Tejon" 11	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723 (b)**	Requirement of 25' plug from surface not met. No mud weight and density information.
0402932534	"Tejon" 12	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932529	"Tejon" 13	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932537	"Tejon" 8-A	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918624	"Tejon A" 2	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.

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APINumber	Well Designation	WellEvaluation	Status	Detail
0402918625	"Tejon A" 3	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.2(a)(1)**	Requirement of 25' plug from surface not met. Requirements of plugging BFW zone not met.
0402932526	"Tejon A" 25-7	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932530	"Tejon A" 33-8	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932531	"Tejon A" 61-8	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402932527	"Tejon Ranch" 3	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918780	"Tejon Ranch" 23-5	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918784	"Tejon Ranch" 42-5	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918786	"Tejon Ranch" 52-5	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723. (b)**	Requirement of mud weight and density information unknown.
0402918787	"Tejon Ranch" 53A-5	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918928	"Tejon Ranch B" 1	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.
0402918609	"Tejon R-H" 11-3	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5, 1723.3, 1723.2(a)(1)**	Requirement of 25' plug from surface not met. Requirement of Plugging at Casing Shoe not met. Requirements of plugging BFW zone not met.
0402932548	"Tejon Richfield" 47	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.5**	Requirement of 25' plug from surface not met.

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APINumber	Well Designation	WellEvaluation	Status	Detail
0402962777	"Woodland Tejon" 15	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
0402920515	"R-S-T" 16-29	Well is not plugged and abandoned to current requirements	Based on well records: This well does not meet plugging and abandonment requirements for surface plugging. **CCR 1723.1**	Requirements of plugging O&G zone not met.
0402918875	"Unspecified" 45-34	Plugged and abandoned to current requirements		
0402937884	"DDCP-Tejon Ranch NWR" 1	Plugged and abandoned to current requirements		
0402918734	"J.V." 455-32	Plugged and abandoned to current requirements		
0402918735	"J.V." 465-32	Plugged and abandoned to current requirements		
0402918736	"J.V." 485-32	Plugged and abandoned to current requirements		
0402918712	"J.V." 55-32	Plugged and abandoned to current requirements		
0402918738	"J.V." 565-32	Plugged and abandoned to current requirements		
0402918714	"J.V." 568-32	Plugged and abandoned to current requirements		
0402918739	"J.V." 575-32	Plugged and abandoned to current requirements		
0402918716	"J.V." 58-32	Plugged and abandoned to current requirements		
0402918740	"J.V." 585-32	Plugged and abandoned to current requirements		
0402918717	"J.V." 59-32	Plugged and abandoned to current requirements		
0402918741	"J.V." 655-32	Plugged and abandoned to current requirements		
0402918720	"J.V." 66-32	Plugged and abandoned to current requirements		
0402918742	"J.V." 665-32	Plugged and abandoned to current requirements		
0402918743	"J.V." 675-32	Plugged and abandoned to current requirements		
0402918722	"J.V." 69-32	Plugged and abandoned to current requirements		
0402918746	"J.V." 755-32	Plugged and abandoned to current requirements		
0402918747	"J.V." 765-32	Plugged and abandoned to current requirements		
0402918748	"J.V." 775-32	Plugged and abandoned to current requirements		
0402918726	"J.V." 78-32	Plugged and abandoned to current requirements		
0402918749	"J.V." 785-32	Plugged and abandoned to current requirements		
0402918727	"J.V." 79-32	Plugged and abandoned to current requirements		
0402900902	"J.V." 86-32	Plugged and abandoned to current requirements		
0402918750	"J.V." 865-32	Plugged and abandoned to current requirements		
0402918730	"J.V." 87-32	Plugged and abandoned to current requirements		
0403053005	"Rancho Grande" 1-9	Plugged and abandoned to current requirements		
0402918840	"Reserve-E. W. Pouley" 2-33	Plugged and abandoned to current requirements		
0402918847	"Reserve-E. W. Pouley" 12-33	Plugged and abandoned to current requirements		
0402918848	"Reserve-E. W. Pouley" 13-33	Plugged and abandoned to current requirements		
0402918895	"Reserve-E. W. Pouley" 21-34	Plugged and abandoned to current requirements		
0402918874	"Reserve-E. W. Pouley" 176-33	Plugged and abandoned to current requirements		
0402918914	"Reserve-E. W. Pouley" 213-34	Plugged and abandoned to current requirements		
0402918896	"Reserve-E. W. Pouley" 23-34	Plugged and abandoned to current requirements		
0402918898	"Reserve-E. W. Pouley" 318-34	Plugged and abandoned to current requirements		

APINumber	Well Designation	WellEvaluation	Status	Detail
0402918901	"Reserve-E. W. Pauley" 33-34	Plugged and abandoned to current requirements		
0402918899	"Reserve-E. W. Pauley" 32-34	Plugged and abandoned to current requirements		
0402918902	"Reserve-E. W. Pauley" 34-34	Plugged and abandoned to current requirements		
0402918903	"Reserve-E. W. Pauley" 41-34	Plugged and abandoned to current requirements		
0402918905	"Reserve-E. W. Pauley" 42-34	Plugged and abandoned to current requirements		
0402957938	"Reserve-E. W. Pauley" 43A-34	Plugged and abandoned to current requirements		
0402951966	"Reserve-E. W. Pauley" 45A-34	Plugged and abandoned to current requirements		
0402918854	"Reserve-E. W. Pauley" 56-33	Plugged and abandoned to current requirements		
0402918856	"Reserve-E. W. Pauley" 58-33	Plugged and abandoned to current requirements		
0402918860	"Reserve-E. W. Pauley" 65-R-33	Plugged and abandoned to current requirements		
0402918864	"Reserve-E. W. Pauley" 67-R-33	Plugged and abandoned to current requirements		
0402986051	"Reserve-E. W. Pauley" 72-34	Plugged and abandoned to current requirements		
0402918866	"Reserve-E. W. Pauley" 76-33	Plugged and abandoned to current requirements		
0402918867	"Reserve-E. W. Pauley" 77-33	Plugged and abandoned to current requirements		
0402918872	"Reserve-E. W. Pauley" 87-33	Plugged and abandoned to current requirements		
0402918917	"Ridge Hill-Tejon" 34-2	Plugged and abandoned to current requirements		
0402918920	"Ridge Hill-Tejon" 34-5	Plugged and abandoned to current requirements		
0402918922	"Ridge Hill-Tejon" 34-8	Plugged and abandoned to current requirements		
0402918921	"Ridge Hill-Tejon" 34-6	Plugged and abandoned to current requirements		
0402918925	"Schoettler" 34-10	Plugged and abandoned to current requirements		
0402918926	"Schoettler" 34-12	Plugged and abandoned to current requirements		
0402950588	"Tejon" 34-13	Plugged and abandoned to current requirements		
0402918623	"Tejon A" 1	Plugged and abandoned to current requirements		
0403022876	"Tejon Ranch" 31X-32	Plugged and abandoned to current requirements		
0402918779	"Tejon Ranch" 22-5	Plugged and abandoned to current requirements		
0402958857	"Tejon T" 4	Plugged and abandoned to current requirements		
0403011842	"Unspecified" HRP 1	Idle well		
0402918732	"J.V." 101-32	Idle well		
0402918733	"J.V." 102-32	Idle well		
0403000207	"J.V." 104-32	Idle well		
0402918744	"J.V." 682-32	Idle well		
0402918745	"J.V." 685-32	Idle well		
0402918724	"J.V." 76-32	Idle well		
0403020751	"J.V. Valv" 1H	Idle well		
0403042203	"Unspecified" 41H-32	Active well		
0403044145	"Unspecified" 47H-32	Active well		
0403024535	"Unspecified" 8H-32	Active well		
0402918915	"Crane" 1	Active well		
0402918916	"Crane" 2	Active well		
0403021006	"J.V." 10H-32	Active well		
0403037158	"J.V." 12H-32	Active well		

APINumber	Well Designation	WellEvaluation	Status	Detail
0403031771	"J.V." 13H-32	Active well		
0403031717	"J.V." 15H-32	Active well		
0403037630	"J.V." 22RH-32	Active well		
0403036347	"J.V." 22H-32	Active well		
0403036349	"J.V." 24H-32	Active well		
0403037072	"J.V." 25H-32	Active well		
0403037160	"J.V." 27H-32	Active well		
0403036350	"J.V." 28H-32	Active well		
0403037161	"J.V." 29H-32	Active well		
0403037966	"J.V." 30H-32	Active well		
0403037967	"J.V." 31H-32	Active well		
0403038052	"J.V." 32H-32	Active well		
0403041320	"J.V." 35H-32	Active well		
0403041505	"J.V." 36H-32	Active well		
0403041506	"J.V." 37H-32	Active well		
0403042204	"J.V." 38H-32	Active well		
0403042074	"J.V." 39H-32	Active well		
0403031720	"J.V." 3H-32	Active well		
0403043962	"J.V." 46H-32	Active well		
0403044317	"J.V." 48H-32	Active well		
0403031718	"J.V." 4H-32	Active well		
0403044146	"J.V." 50H-32	Active well		
0403044443	"J.V." 53H-32	Active well		
0403044444	"J.V." 54H-32	Active well		
0403045166	"J.V." 56H-32	Active well		
0403050486	"J.V." 67H-32	Active well		
0403048400	"J.V." 87X-32	Active well		
0403053049	"J.V." WWD7-32	Active well		
0403053050	"J.V." WWD8-32	Active well		
0403020984	"J.V. Reserve" 1H	Active well		
0403044930	"J.V. Reserve" 2H-32	Active well		
0403045349	"Reserve-E. W. Pauley" 1H-33	Active well		
0402986032	"Reserve-E. W. Pauley" 22-34	Active well		
0403031235	"Reserve-E. W. Pauley" 22EH-34	Active well		
0403033234	"Reserve-E. W. Pauley" 32H-34	Active well		
0403033235	"Reserve-E. W. Pauley" 42X-34	Active well		
0403031294	"Reserve-E. W. Pauley" 52B-34	Active well		
0403047145	"Reserve-E. W. Pauley" 57X-33	Active well		
0403048376	"Reserve-E. W. Pauley" 66X-33	Active well		
0403000853	"Ridge Hill-Tejon" 34-44X	Active well		
0402918923	"Ridge Hill-Tejon" 34-9	Active well		

APINumber	Well Designation	WellEvaluation	Status	Detail
0402951222	Tejon" 34-14	Active well		
0403054576	Tejon Ranch" 1H-5	Active well		
0403054577	Tejon Ranch" 2H-5	Active well		
0403054575	Tejon Ranch Vdv" 1H-5	Active well		

Comment Letter 4B: California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (October 14, 2019)

California
Department of Conservation
Division of Oil, Gas, and Geothermal Resources

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05/14/2019

County: Kern - Kern County Planning and Natural Resources Department
Jose Gonzalez Ortiz
4800 Stockdale Highway, Bakersfield, CA 93309, USA
jose.gonzalezortiz@conservation.ca.gov

Construction Site Well Review (CSWR) ID: 1011587

Assessor Parcel Number(s): 23839006, 23839014, 23839075, 23839076, 24119025, 24123028, 24123034, 24123039, 24124008, 24124014, 24124015, 24124018, 24124020, 24124022, 24125001, 24125004, 24125006, 24125016, 24125018, 24125019, 24125022, 24127024, 24128002, 24128003, 24128004, 24128005, 24128006, 24128008, 24128009, 24128010, 24132006, 24132007, 24132009, 24132010, 24132011, 24132012, 24132013, 24132014, 24132015, 24132016, 24132017, 24132018, 24132019, 24132020, 24132121, 24135001, 24135002, 24135003, 24137004, 24137005, 24137006, 24137007, 24137008, 24137009, 24137014, 24137017, 24137018, 24138010, 24139001

Property Owner(s): Tejon Ranchcorp

Project Location Address: Approx. 13 miles south of Bakersfield city limits, Arvin, California, 93203

Project Title: Grapevine Specific and Community Plan by Tejon Ranchcorp (2019)

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells. **4B-A**

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 5/13/2019. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Kern County, within the boundaries of the following fields:

Tejon, Any Field, Tejon, North

There are wells that are not plugged and abandoned to current Division requirements. **4B-B**

Our records indicate there are 183 known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 129
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and

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Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 54
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

Cont. 4B-B

The Division categorically advices against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

4B-C

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

4B-D

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that

4B-E

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would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.

3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

Cont. 4B-E

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

4B-F

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if

4B-G

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soil containing significant amounts of hydrocarbons is discovered during development. Cont. 4B-G

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues. 4B-H

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 334-3650 or via email at Emily.Loera@conservation.ca.gov

Sincerely,

Cameron Campbell
District Deputy

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Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

4B-1

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API	Well Designation	Operator	Well Evaluations
04030530 50	J.V. WWD8-32	California Resources Production Corporatio n	Active well
04030332 34	Reserve-E. W. Pauley 32H-34	California Resources Production Corporatio n	Active well
04030209 84	J.V. Reserve 1H	California Resources Production Corporatio n	Active well
04030317 71	J.V. 13H-32	California Resources Production Corporatio n	Active well

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Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-I

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API	Well Designation	Operator	Well Evaluations
04030008 53	Ridge Hill-Tejon 34-44X	E & B Natural Resources Manageme nt Corporation	Active well
04029189 23	Ridge Hill-Tejon 34-9	E & B Natural Resources Manageme nt Corporation	Active well
04030379 66	J.V. 30H-32	California Resources Production Corporatio n	Active well
04030422 04	J.V. 38H-32	California Resources Production Corporatio n	Active well

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Cont. 4B-I

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API	Well Designation	Operator	Well Evaluations
04030506 86	J.V. 67H-32	California Resources Production Corporatio n	Active well
04030420 74	J.V. 39H-32	California Resources Production Corporatio n	Active well
04030207 51	J.V. Valv 1H	California Resources Production Corporatio n	Idle well
04029189 15	Crane 1	E & B Natural Resources Manageme nt Corporation	Active well

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Cont. 4B-I

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API	Well Designation	Operator	Well Evaluations
04030371 61	J.V. 29H-32	California Resources Production Corporatio n	Active well
04029189 16	Crane 2	E & B Natural Resources Manageme nt Corporation	Active well
04030379 67	J.V. 31H-32	California Resources Production Corporatio n	Active well
04029187 24	J.V. 76-32	California Resources Production Corporatio n	Idle well

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Cont. 4B-I

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API	Well Designation	Operator	Well Evaluations
04030363 49	J.V. 24H-32	California Resources Production Corporatio n	Active well
04030312 34	Reserve-E. W. Pauley 52B-34	California Resources Production Corporatio n	Active well
04030530 49	J.V. WWD7-32	California Resources Production Corporatio n	Active well
04029187 33	J.V. 102-32	California Resources Production Corporatio n	Idle well

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Cont. 4B-I

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API	Well Designation	Operator	Well Evaluations
04030317 17	J.V. 15H-32	California Resources Production Corporation	Active well
04030415 06	J.V. 37H-32	California Resources Production Corporation	Active well
04030545 76	Tejon Ranch 1H-5	California Resources Production Corporation	Active well
04029860 52	Reserve-E. W. Pauley 22-34	California Resources Production Corporation	Active well

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Cont. 4B-I

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API	Well Designation	Operator	Well Evaluations
04029188 97	Reserve-E. W. Pauley 31-34	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029187 51	J.V. 875-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029188 20	Reserve-Petrol 33-5	The Petrol Corp.	Well is not plugged and abandoned to current requirements
04029188 43	Reserve-E. W. Pauley 6-33	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements

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Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-l

The wells listed below are not abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded. **The Division expects these wells to be reabandoned in compliance with current California law, prior to development activities.**

API	Well Designation	Operator	Well Evaluations
04029205 15	R-S-T 16-29	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029187 31	J.V. 88-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029188 69	Reserve-E. W. Pauley 78A-33	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements
04029187 37	J.V. 555-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements

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Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-l

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API	Well Designation	Operator	Well Evaluations
04029188 95	Reserve-E. W. Pauley 21-34	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029189 18	Ridge Hill-Tejon 34-3	Pennant Petroleum Corporatio n	Not plugged and abandoned to current Division standards
04029325 44	1	101 Oil Co.	Well is not plugged and abandoned to current requirements
04029424 26	1	L. M. Hampton	Well is not plugged and abandoned to current requirements

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Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-l

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API	Well Designation	Operator	Well Evaluations
04029188 61	Reserve-E. W. Pauley 66-33	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029188 41	Reserve-E. W. Pauley 3-33	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements
04029188 55	Reserve-E. W. Pauley 57-V-33	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029187 12	J.V. 55-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements

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API	Well Designation	Operator	Well Evaluations
04029325 30	Tejon A 53-8	Arco Western Energy Co.	Well is not plugged and abandoned to current requirements
04029187 21	J.V. 67-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029187 13	J.V. 56-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029189 07	Reserve-E. W. Pauley 43-34	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements

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API	Well Designation	Operator	Well Evaluations
04029325 27	Tejon Ranch 3	Arco Western Energy Co.	Well is not plugged and abandoned to current requirements
04029002 72	J.V. 68-32	California Resources Production Corporatio n	Well is not plugged and abandoned to current requirements
04029188 59	Reserve-E. W. Pauley 65-33	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements
04029205 16	R-S-T 18-29	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements

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Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-l

The wells listed below are not abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded. **The Division expects these wells to be reabandoned in compliance with current California law, prior to development activities.**

API	Well Designation	Operator	Well Evaluations
04029627 77	Woodland Tejon 15	Pennant Petroleum Corporatio n	Well is not plugged and abandoned to current requirements
04029188 62	Reserve-E. W. Pauley 66R-33	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements
04029205 17	R-S-T 36-29	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements
04029188 94	Reserve-E. W. Pauley 12-34	Getty Reserve Oil Co.	Well is not plugged and abandoned to current requirements

California
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Wells Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-I

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

API	Well Designation	Operator	Well Evaluations
04029189 20	Ridge Hill-Tejon 34-5	Pennant Petroleum Corporatio n	
04029189 26	Schoettler 34-12	Pennant Petroleum Corporatio n	
04029187 34	J.V. 455-32	California Resources Production Corporatio n	
04029188 60	Reserve-E. W. Pauley 65-R-33	California Resources Production Corporatio n	

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The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

Cont. 4B-I

API	Well Designation	Operator	Well Evaluations
04029187 20	J.V. 66-32	California Resources Production Corporatio n	
04029187 14	J.V. 56R-32	California Resources Production Corporatio n	
04029188 72	Reserve-E. W. Pauley 87-33	California Resources Production Corporatio n	
04029187 38	J.V. 565-32	California Resources Production Corporatio n	

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Wells Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

Cont. 4B-I

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

API	Well Designation	Operator	Well Evaluations
04029189 21	Ridge Hill-Tejon 34-6	Pennant Petroleum Corporatio n	
04029188 98	Reserve-E. W. Pauley 31B-34	California Resources Production Corporatio n	
04029188 75	45-34	California Resources Production Corporatio n	
04029519 66	Reserve-E. W. Pauley 45A-34	Arco Western Energy Co.	

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The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

Cont. 4B-I

API	Well Designation	Operator	Well Evaluations
04029187 50	J.V. 865-32	California Resources Production Corporatio n	
04029188 56	Reserve-E. W. Pauley 58-33	California Resources Production Corporatio n	
04029188 96	Reserve-E. W. Pauley 23-34	California Resources Production Corporatio n	
04029187 27	J.V. 79-32	California Resources Production Corporatio n	

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The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

Cont. 4B-I

API	Well Designation	Operator	Well Evaluations
04029187 48	J.V. 775-32	California Resources Production Corporatio n	
04029188 54	Reserve-E. W. Pauley 56-33	California Resources Production Corporatio n	
04029189 05	Reserve-E. W. Pauley 42-34	California Resources Production Corporatio n	
04029187 79	Tejon Ranch 22-5	Chevron U.S.A. Inc.	

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Wells Abandoned to Current Division Requirements as Prescribed by Law & Projected to be Built Over or Have Future Access Impeded

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

Cont. 4B-I

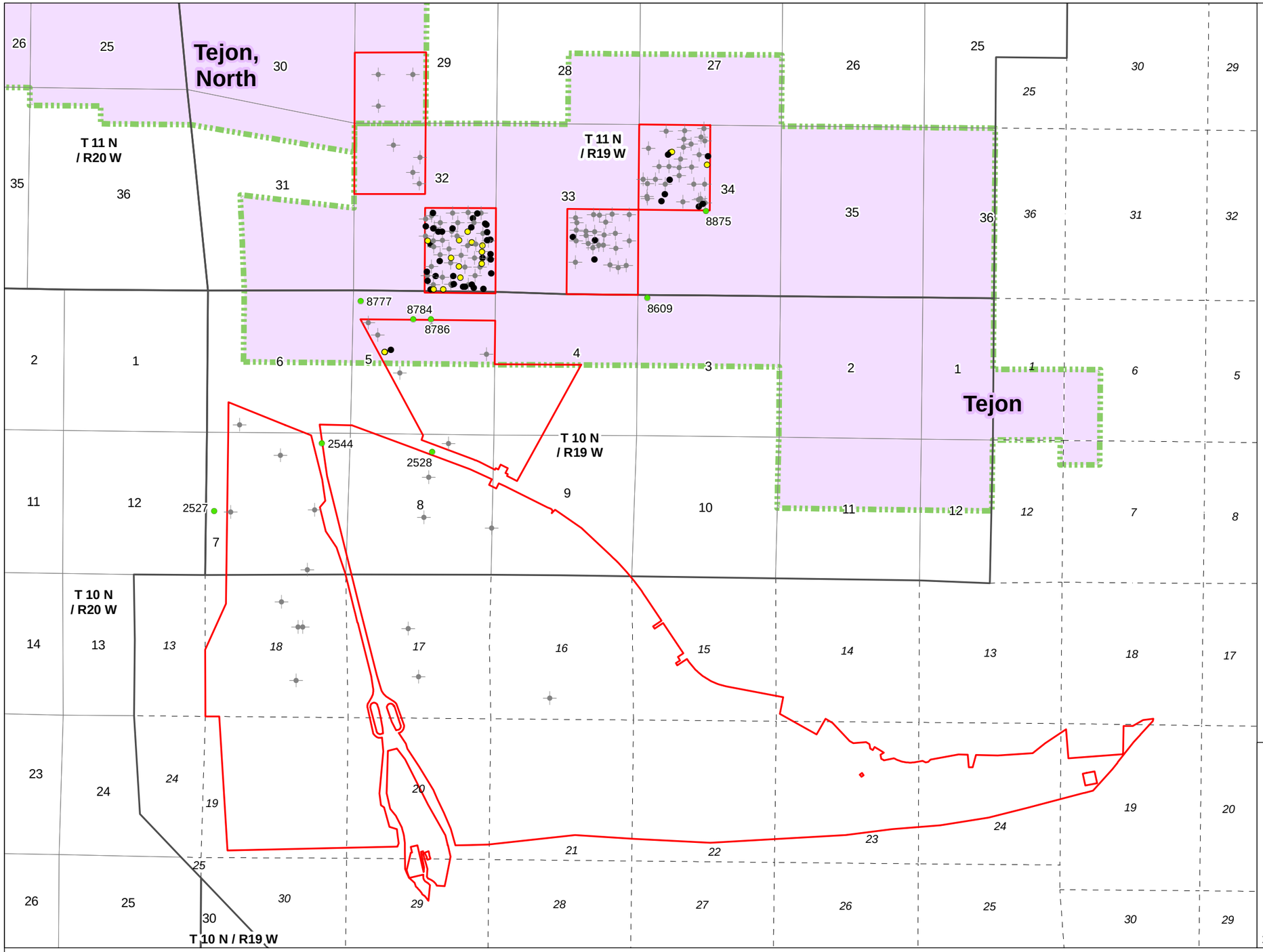
API	Well Designation	Operator	Well Evaluations
04030530 05	Rancho Grande 1-9	Sojitz Energy Venture, Inc.	
04029588 57	Tejon T 4	Chevron U.S.A. Inc.	
04029189 14	Reserve-E. W. Pauley 213-34	California Resources Production Corporatio n	
04029189 02	Reserve-E. W. Pauley 34-34	California Resources Production Corporatio n	

Response to Comment Letter 4A: California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (September 26, 2019)

4A-A: Thank you for your comments and your participation in this public process. This comment provides a general introduction. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. Many of the comments set forth in this comment letter were previously addressed in the FEIR (2016), as they are similar to the Draft Environmental Impact Report (DEIR) (2016) comments that the Department of Oil, Gas, and Geothermal Resources (DOGGR) submitted on June 29, 2016 (FEIR (2016) page 7-529 through 7-564). Responses to DOGGR's comments on the DEIR (2016) are set forth in FEIR (2016) Responses 8-A through 8-D (Id, page 7-567 to 7-568).

4A-B: This comment describes the project area's physical relationship to the Tejon and North Tejon oil fields and the well count within the project boundaries. As acknowledged in the SREIR, approximately 160 acres of the project site are within the North Tejon oil field administrative boundary and approximately 914 acres are located within the Tejon oil field administrative boundary (SREIR page 4.8-48). The well counts described in this comment appear to include wells that are not located within the project area boundaries, as shown on the following figure, which plots the wells identified in this comment letter.

Nevertheless, as this comment accurately explains, there are several wells located within the project boundary. As of October 15, 2019, when compared to the project boundary shape file, the DOGGR geographic information system (GIS) database shows that, within the project boundary, there are 45 active wells, 15 idle wells, and 115 plugged wells. The vast majority of these wells are located in Planning Areas 6c, 6d, and 6c, which the Specific Plan envisions to include higher-intensity commercial, industrial, and infrastructure uses that will support and expand the uses at the Tejon Ranch Commerce Center and Grapevine. The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of oil and gas wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (SREIR pages 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.



Legend

- Grapevine Project Boundary
- DOGGR Admin Field Bndy

Well Status within Boundary (175)

- Active (45)
- Idle (15)
- Plugged (115)

Wells Verified Outside Boundary (8)

- API Numbers
  - 040291 8609
  - 040291 8777
  - 040291 8784
  - 040291 8786
  - 040291 8875
  - 040293 2527
  - 040293 2528
  - 040293 2544

N

4,000 2,000 0 4,000

Feet

TEJON RANCH

GRAPEVINE PROJECT

WELL COUNT MAP

10/15/2019

Source: DOGGR well data downloaded October 14, 2019
https://www.conservation.ca.gov/dog/maps/Pages/GISMapping2.aspx

GRAPEVINE PROJECT • **SR**EIR

SPA No. 157, Map No. 500; GPA No. 9, Map No. 202; GPA No. 10, Map No 202; GPA No. 4, Map No. 218R; GPA No. 5, Map No. 218R; GPA No. 11, Map No. 219; GPA No. 12, Map No. 219; Special Plan No. 2, Map No. 202; Special Plan No. 3, Map No. 218R; Special Plan No. 3, Map No. 219; ZCC No. 18, Map No. 202; ZCC No. 3, Map No. 218R; ZCC No. 14, Map No. 219; Ag. Preserve No. 19 – Exclusion, Map No. 202

Well Count Map

Response 4A-B

4A-C: This comment summarizes regulatory requirements applicable to construction activities in the vicinity of oil and gas wells. The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of oil and gas wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

4A-D: This comment summarizes regulatory requirements applicable to construction activities in the vicinity of oil and gas wells. The project shall comply with all regulatory requirements, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

4A-E: This comment summarizes regulatory requirements applicable to construction activities in the vicinity of oil and gas wells. The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

4A-F: This comment is noted. It does not address the SREIR and no further response is required.

4A-G: This comment notes that the Division of Oil, Gas, and Geothermal Resources (DOGGR) conducted a review of on-site wells and explains why; it also explains the limits of DOGGR

authority. This comment does not address the SREIR and no further response is required. As explained in Responses 4a-C through 4a-E, the project will comply with all regulatory requirements associated with oil and gas wells. The information provided in this comment is noted and will be provided to the Planning Commission and Board of Supervisors for consideration.

4A-H: This comment explains the well review process undertaken by DOGGR. This comment does not address the SREIR and no further response is required. The information is noted and will be provided to the Planning Commission and Board of Supervisors for consideration.

4A-I: This comment explains DOGGR's standard for well abandonment. This comment does not address the SREIR and no further response is required. The information is noted and will be provided to the Planning Commission and Board of Supervisors for consideration.

4A-J: This comment is an introductory comment explaining that unspecified issues that may be associated with development near oil and gas wells will be discussed in this letter's comments that follow. This comment further explains that the information previously set forth in this letter is being provided solely to facility local permitting decisions. This information is noted and will be provided to the Planning Commission and Board of Supervisors for consideration. Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

4A-K: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

4A-L: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a

significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

It is further noted that the Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the Lead Agency "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is in consistent with controlling case law, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

This comment cites concerns regarding potential effects that might occur if a well abandoned in accordance with applicable regulatory requirements nevertheless starts leaking in the future falls outside the scope of the limited CEQA review required by the Judgement. Specifically, the potential effects associated with abandoned well leaks is not an effect that would be caused by longer vehicle trips and higher vehicle miles traveled. Since this issue falls outside the scope of the Judgement, and since this issue could have been, but was not, litigated during the lawsuit challenging the FEIR (2016), it is not required to be addressed in the SREIR.

4A-M: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a

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4A-N: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. See also, Response 4A-L.

4A-O: This comment explains DOGGR's authority under various provisions of the Public Resources Code. This comment does not address the SREIR and no further response is required. The information is noted and will be provided to the Planning Commission and Board of Supervisors for consideration.

4A-P: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to -39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. See also, Response 4A-L.

4A-Q: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to -39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident

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4A-R: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. See also, Response 4A-L.

4A-S: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. See also, Response 4A-L.

4A-T: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be

disturbed in the areas associated with oil and gas exploration. In addition, the project is required to comply with all mandatory disclosure requirements upon transfer or residential property as provided by state law, which include, but are not limited to, disclosures regarding substances, materials or productions which may be an environmental hazard. See also, Response 4A-L.

4A-U: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. See also, Response 4A-L.

4A-V: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. See also, Response 4A-L.

4A-W: This comment reiterates the results on DOGGR's well survey of the project site, as discussed more fully in Comment 4A-A and provides URL addresses for the online Well Finder map and for relevant provisions of applicable law. This information is noted and will be provided to the Planning Commission and Board of Supervisors for consideration. Please also see Response 4A-A and Response 4A-L.

Response to Comment Letter 4B: California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (October 14, 2019)

4B-A: Thank you for your comment and your participation in this public process. This comment will be provided to the Planning Commission and Board of Supervisors for their consideration.

This comment provides a general introduction and summarizes regulatory measures regarding the allocation of oil and gas well reabandonment responsibility in the vicinity of proposed development or construction activities. This comment does not address the substance of the SREIR; therefore, no further response is required. However, the project will comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of oil and gas wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

It is further noted that the Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

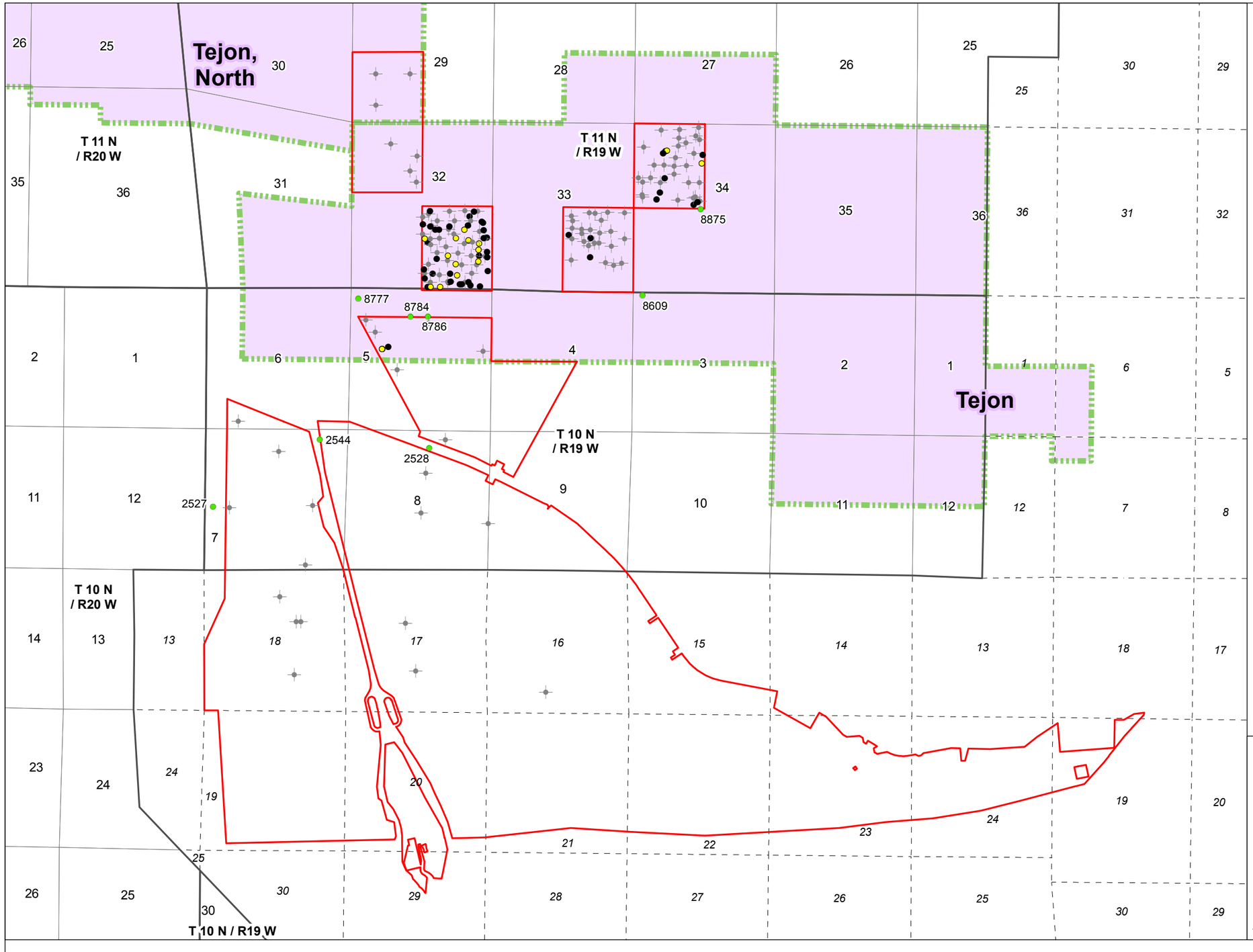
The Court's judgement expressly states that the Lead Agency "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is in consistent with controlling case law, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Here, the comment cites to concerns regarding potential hazards associated with development near oil, gas and geothermal well falls outside the scope of the limited CEQA review required by the Judgement. Specifically, such hazards are not an effect that would be caused by longer vehicle trips and higher vehicle miles traveled associated with the project. Since this issue falls outside the scope of the Judgement, and since this issue could have been, but was not, litigated during the lawsuit challenging the FEIR (2016), it is not required to be addressed in the SREIR.

Finally, many of the comments set forth in this comment letter were previously addressed in the FEIR (2016), as they are similar to the DEIR (2016) comments that the Department of Oil, Gas, and Geothermal Resources (DOGGR) submitted on June 29, 2016. (FEIR at 7-529 through -564). Responses to DOGGR's comments on the DEIR (2016) are set forth in FEIR Responses 8-A through 8-D. (*Id*, at 7-567 -568).

4B-B: This comment describes the project area's physical relationship to the Tejon and North Tejon oil fields and the well count within the project boundaries. As acknowledged in the SREIR, approximately 160 acres of the project site are within the North Tejon oil field administrative boundary and approximately 914 acres are located within the Tejon oil field administrative boundary (SREIR page 4.8-48). The well counts described in this comment appear to include wells that are not located within the project area boundaries, as shown on the following figure, which plots the wells identified in this comment letter.

Nevertheless, as this comment accurately explains, there are several wells located within the project boundary. As of October 15, 2019, when compared to the project boundary shape file the, the DOGGR GIS database shows that, within the project boundary, there are 45 active wells, 15 idle wells, and 115 plugged wells. The vast majority of these wells are located in Planning Areas 6c, 6d, and 6c, which the Specific Plan envisions to include higher-intensity commercial, industrial, and infrastructure uses that will support and expand the uses at the Tejon Ranch Commerce Center and Grapevine. The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of oil and gas wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR pages 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.



Legend

- Grapevine Project Boundary
- DOGGR Admin Field Bndy

Well Status within Boundary (175)

- Active (45)
- Idle (15)
- Plugged (115)

Wells Verified Outside Boundary (8)

- API Numbers
  - 040291 8609
  - 040291 8777
  - 040291 8784
  - 040291 8786
  - 040291 8875
  - 040293 2527
  - 040293 2528
  - 040293 2544

N

4,000 2,000 0 4,000

Feet

TEJON RANCH

GRAPEVINE PROJECT

WELL COUNT MAP

10/15/2019

Source: DOGGR well data downloaded October 14, 2019
https://www.conservation.ca.gov/dog/maps/Pages/GISMapping2.aspx

GRAPEVINE PROJECT • SREIR

SPA No. 157, Map No. 500; GPA No. 9, Map No. 202; GPA No. 10, Map No 202; GPA No. 4, Map No. 218R; GPA No. 5, Map No. 218R; GPA No. 11, Map No. 219; GPA No. 12, Map No. 219; Special Plan No. 2, Map No. 202; Special Plan No. 3, Map No. 218R; Special Plan No. 3, Map No. 219; ZCC No. 18, Map No. 202; ZCC No. 3, Map No. 218R; ZCC No. 14, Map No. 219; Ag. Preserve No. 19 – Exclusion, Map No. 202

Well Count Map

Response 4B-B

4B-C: The advisement in this comment will be provided to the Planning Commission and Board of Supervisors for their consideration. As discussed in Response 4b-A, the project will comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of oil and gas wells that may be located on the project site in the vicinity of development and construction activities, including state and local requirements. In addition, MM 4.8-5 requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7 requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. Indeed, in response to DOGGR's similar comment on the DEIR (2016), MM 4.11-1 was amended in the FEIR (2016) to address the concerns raised in this comment. Finally, as discussed in Response 4b-A, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016). The ongoing access to oil, gas or geothermal wells is not an issue caused or implicated by longer vehicle trips and higher vehicle miles traveled associated with the project and thus falls outside the scope of the Judgement and the SREIR.

4B-D: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. Indeed, in response to DOGGR's similar comment on the DEIR (2016), MM 4.11-1 was amended by the FEIR (2016) to address the concerns raised in this comment. Finally, as discussed in Response 4b-A, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016). Potential project effects associated with abandoned well leaks is not an effect that would be caused by longer vehicle trips and higher vehicle miles traveled, and this issue thus falls outside the scope of the Judgement. Since this issue could have been, but was not, litigated during the lawsuit challenging the FEIR (2016), it is not required to be addressed in the SREIR.

4B-E: This comment summarizes DOGGR's interpretation of Public Resources Code Section 3208.1. This comment does not address the substance of the SREIR or its analysis; therefore, no further response is required.

4B-F: Please see Response 4B-C.

4B-G: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR page 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration. In addition, the project is required to comply with all mandatory disclosure requirements upon transfer or residential property as provided by state law, which include, but are not limited to, disclosures regarding substances, materials, or productions that may be an environmental hazard. See also Response 4B-A.

4B-H: This comment summarizes regulatory requirements applicable to construction activities in the vicinity of oil and gas wells. The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR pages 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

4B-I: The project shall comply with all regulatory requirements related to the maintenance, decommissioning, and abandonment of gas and oil wells that may be located on the project site, including state and local requirements, such as those contained in the Kern County General Plan Energy Element (see SREIR pages 4.8-37 to 4.8-39). Please also see MM 4.8-2 through MM 4.8-7, which ensure less than significant impacts related to the project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, see MM 4.8-5, which requires, prior to the issuance of a grading permit, that any abandoned wells on the land to be graded must be decommissioned in accordance with DOGGR's regulatory requirements, and MM 4.8-7, which requires the decommissioning and abandonment of wells to meet current applicable regulatory standards. Please also see MM 4.11-1, which ensures a less than significant impact with regard to the potential for hazardous materials to be disturbed in the areas associated with oil and gas exploration.

Local

Comment Letter 5: San Joaquin Valley Air Pollution Control District (SJVAPCD) (October 9, 2019)

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

OCT - 9 2019

Lorelei H. Oviatt
Kern County
Planning & Natural Resource Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Project: Draft Supplemental Recirculated Environmental Impact Report (SREIR) for the Grapevine Specific and Community Plan by Tejon Ranchcorp (2019)

District CEQA Reference No: 20191077

Dear Ms. Oviatt:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Supplemental Recirculated Environmental Impact Report (SREIR) for the Grapevine Specific and Community Plan by Tejon Ranchcorp (2019). The proposed project is a SREIR for the Grapevine Specific and Community Plan to correct the deficiencies identified by the Court as a result of a lawsuit by evaluating potential traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts that could occur if the project's vehicle trip internal capture rate (ICRs) was lower than analyzed in the Final EIR (Project). The SREIR project description is identical to the Final EIR project approved in 2016 and would include up to 12,000 residences (single-family and multi-family units), an additional 2,000 units may be permitted if the maximum commercial/industrial square footage is reduced, up to 5,100,000 square feet of commercial/industrial development, schools, parks, other public facilities, grazing and open space, and infrastructure improvements. The District offers the following comments: **5-A**

1) The Final EIR, approved by Kern County in 2016, included Mitigation Measure 4.3-4 which requires the project proponent to enter into a Voluntary Emission Reduction Agreement (VERA) with the District to fully mitigate the project emissions of ROG, NOx and PM10. Additionally, the NOP for the SREIR also included Mitigation Measure 4.3-4. Under the terms of the VERA, the project proponent shall fully mitigate the project's construction and operational emissions (including non-stationary and stationary source emissions not required to be offset by District rules) of ROG, NOx, and PM10. The project proponent, Tejon Ranchcorp, has worked with the District and has entered into a VERA on February 18, 2016 (please see attached enclosure). **5-B**

   The District recognizes that this Project will be developed over an extended period of time, and clean air project design elements may evolve during the life of project development. For future actual development projects within the scope of the Project, developers shall contact the District to further review and potentially incorporate **5-C**

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

additional clean air design elements before any subsequent land use approval and prior to generating emissions associated with the project (i.e., prior to commencement of construction activity). The VERA has been designed to allow refined analysis of each future development project related emissions. As such, incorporating additional clean air project design elements available and feasible at the time of construction for specific project would result in lower impacts on air quality. District staff is available to assist the Project proponent with the VERA and can be reached at (559) 230-6000. **Cont. 5-C**

2) In Section 4.3 of the Draft SREIR, discusses the following in regards to the California Supreme Court holding for exposure to Ozone (*Sierra Club v. County of Fresno)*: **5-D**

> "However, as explained in detail in 2.8.3 of the 2019 Air Study, correlating the project's criteria air pollutant to specific health impacts, particularly with respect to O_3 is not possible because there is no feasible or established scientific method to perform such analysis. This conclusion is supported by both the SJVAPCD and the South Coast Air Quality Management District, who have determined that this type of analysis is speculative and infeasible."

The District has not made any conclusions on potential scientific methods for evaluating the localized health impacts of ozone from any individual proposed development. The District is still in the process of gathering and reviewing information in order to make a determination.

3) The District recommends that a copy of the District's comments be provided to the Project proponent. **5-E**

The District appreciates the opportunity to comment on the Draft SREIR for the Grapevine Specific and Community Plan. If you have any questions or require further information, please call Mr. Eric McLaughlin at (559) 230-5808.

Sincerely,

Arnaud Marjollet
Director of Permit Services

P. Arnaud Marjollet

Brian Clements
Program Manager

AM: em

Enclosure

Response to Comment Letter 5: San Joaquin Valley Air Pollution Control District (SJVAPCD) (October 9, 2019)

5-A: Thank you for your comment and for your participation in this public process. This introductory comment summarizes the project description and the purpose of the SREIR. This comment does not address the substance of the SREIR or its analysis; therefore, no further response is required.

5-B: As this comment accurately explains, the Final EIR (2016) included MM 4.3-4, which required the project proponent to enter into a Development Agreement with the SJVAPCD. As this comment correctly points out, the required Development Agreement was executed as a Voluntary Emissions Reduction Agreement (VERA) in February 2016 and requires the project to fully mitigate construction and operational emissions of reactive organic gases (ROG), nitrogen oxides (NO_X), and particulate matter 10 microns or less in diameter (PM_{10}).

5-C: This comment correctly explains that the project would be developed over an extended period and that the VERA sets forth a process designed to allow refined analysis of future project-related emissions and for the incorporation of additional clean air design elements.

5-D: The SREIR passage quoted in this comment is based on amicus briefs filed with the Supreme Court on behalf of the SJVAPCD and the South Coast Air Quality Management District during the course of the *Sierra Club v. County of Fresno* litigation. Indeed, the amicus brief filed on behalf of the SJVAPCD explains that, with respect to "local increases in concentrations of photochemical pollutants like ozone and some particulates, it remains impossible, using today's models, to correlate that increase in concentration to a specific health impact." See *Amicus Curiae Brief of SJVAPCD in Support of Defendant and Respondent, County of Fresno and Real Party in Interest and Respondent, Friant Ranch L.P.*, page 10. This comment confirms that the SJVAPCD has not made any further conclusions on potential scientific methods for evaluating the localized health impacts of ozone from any individual proposed development. While this comment explains that the SJVAPCD is still in the process of gathering and reviewing information regarding such scientific methods, no new or current policy concerning this issue has been adopted by the District to date.

5-E: A copy of the SJVAPCD's comments will be provided to the project proponent, as recommended by this comment. The balance of this comment is noted and will be provided to the Planning Commission and Board of Supervisors for their consideration.

Comment Letter 6: Golden Empire Transit District (September 13, 2019)

September 13, 2019

Cindi Hoover
Kern County Planning and Natural Resources Departmemnt
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323

RE: Draft Environmental Impact Report for Grapevine Specific and Community Plan

Dear Mrs. Hoover:

We have reviewed the Draft Environmental Impact Report for the Grapevine Specific and Community Plan. Although the project site is located outside the Golden Empire Transit District's (GET) existing boundaries, GET currently operates express route X92 between Bakersfield and the Tejon Commerce Center. The ability to provide effective and efficient transit service is determined largely by development decisions made in the community, and we therefore appreciate the opportunity to comment. The provision of transit service to a development depends on 1) The design of the development, 2) Actual market demand, and 3) The availability of resources to provide the service. The following comments are provided: 6-A

1.) To be cost effective, public transit depends on high densities. The density of development has a direct correlation to the level of service it can expect to receive. The minimum density of residential development necessary to support conventional fixed-route bus service is 5 dwelling units per acre. According to the description, this project will include a series of walkable Plan Areas, each with a village center providing neighborhood-serving retail and office uses, schools, parks, and a mix of housing that would be developed on 4,643 acres and would be linked by bicycle and pedestrian trails and served by transit. Each village would contain a village center comprised of high-density housing (6 to 72 dwelling units/net acre). Furthermore, 50% of residential units would be located within one half mile of a village center. Therefore, the proposed residential densities have the potential to generate a considerable number of transit trips to support transit service. 6-B

2.) For successful transit service to a development, it is essential that 1) The components of the development, i.e., the homes or major traffic generators, have easy access to transit and 2) The transit service have direct and operationally safe access to the development. Certain forms of subdivision design impede access to transit service. Examples of such impediments include walled subdivisions, gates, excessive use of cul-de-sacs, lack of pedestrian pathways, and circuitous street patterns. GET will not normally provide service to subdivisions that are of this design because it is inefficient and not cost effective to do so. The mitigation measures for this project call for a Mobility Plan, which describes the system of sidewalks, greenway trails, 6-C

1830 Golden State Avenue • Bakersfield, California 93301-1012 phone (661) 324-9874 fax (661) 869-6394 www.getbus.org

community trails, a dedicated transit easement, and two transit hubs to serve as alternative means of transportation on the project site. The Plan also provides a transit route easement no less than 25 feet wide to provide for a dedicated bus lane and bus pullouts from the dedicated transit centers to the primary village mixed use center areas on the east and west sides of Interstate 5. These mitigation measures support transit-friendly design and it is recommended that they be considered in the early planning stages of development of this project.

Cont. 6-C

3.) As noted in the Draft EIR, each component of the Mobility Plan shall incorporate features to reduce dependence on the automobile and provide for a more efficient use of transportation resources among project occupants, to reduce pollutant emissions. Included are transit route easements connecting residential and commercial areas as well as providing amenities such as bus shelters. The measures also promote alternative fuels for transit. The measures call for multiple travel options, which is a key element at reducing greenhouse gas emissions.

6-D

4.) Funding is a key component for any future transit service. At this time, the District has limited funding sources, especially for operating expenditures. Improving the mobility options for residents is a priority but the lack of a local revenue source to fund public transit is a major obstacle to expansion of the system. Future service expansion will depend on available funds and where they can be most cost effective. Partnerships, such as developers contributing to the cost of service, are encouraged. The project site is located within the jurisdiction of the Kern Transit system, which currently provides service to the Tejon Commerce Center. Arvin Transit also serves this area and therefore coordination and communication with all transit systems affected will be essential as the project develops.

6-E

The Draft EIR for the Grapevine Project incorporates substantial transit-friendly and smart growth measures to mitigate significant environmental impacts. It is important that design for transit begin in early stages as each phase of the project is planned. We are pleased to provide comments and look forward to further communication.

Sincerely,

Emery M. Rendes

Emery M. Rendes
Transit Planner

Response to Comment Letter 6: Golden Empire Transit District (September 13, 2019)

6-A: Thank you for your comment and for your participation in this public process. This introductory comment summarizes Golden Empire Transit District's transit operations, the area within which it operates transit services, and its stated criteria for the provision of transit service to a development. This introductory comment does not concern the SREIR or its analysis, and therefore no further response is required.

6-B: This comment confirms that the project's proposed residential density is sufficient to support transit service to and from the project site. The comment's conclusion is consistent with the SREIR's determination that the project (inclusive of all Reduced ICR Scenarios) would not have a significant impact with regard to potential conflicts with an applicable plan (SREIR page 4.16-64), ordinance, policy, or program establishing measures of effectiveness for the performance of transit systems and would not have a significant impact with regard to the potential of the project (inclusive of all Reduced ICR Scenarios) to decrease the performance of transit systems (SREIR page 4.16-66).

6-C: The Lead Agency concurs with the comment's expert determination that the mitigation measures described in the SREIR support transit-friendly design, and with the recommendation that such mitigation measures be considered during project development.

6-D: As the comment correctly points out, the project will incorporate several features to reduce dependence on the automobile and the emissions associated with automobile use. Such features include, but are not limited to, transit route easements connecting residential and commercial areas, bus shelter and transit stop amenities, pedestrian pathways, and a network of bicycle lanes. The Lead Agency concurs with this comment's determination that the project's mobility design features will promote multi-modal transportation options at the project site that will reduce greenhouse gas emissions.

6-E: The Lead Agency concurs with this comment's determination that the project site is located within the jurisdiction of the Kern Transit system, and that Arvin Transit also serves this area. Per mitigation measure MM 4.16-2, the project's Transportation Management Association will be required, among other tasks, to implement a commute trip evaluation and reduction program that includes, among other requirements, the coordination of transit schedules to align with employer work schedules, to provide discounted transit passes, and to conduct marketing campaigns to encourage non-automotive modes of commuting and transportation. The Lead Agency also concurs with this comment's determination that the SREIR incorporates substantial transit-friendly and smart growth measures to mitigate significant environmental impacts.

Comment Letter 7: Kern County Public Works Department – Administration & Engineering (October 10, 2019)

COUNTY OF KERN
PUBLIC WORKS DEPARTMENT
Office Memorandum

To: Lorelei Oviatt, Director
Planning and Natural Resources Department
Attn: Cindy Hoover, Planner I

October 10, 2019

From: Warren D. Maxwell, Development Review Engineer
Administration and Engineering Division W.D.M

Subject: Draft Supplemental Recirculated Environmental Impact Report – Grapevine Specific and Community Plan by Tejon Ranchcorp (2019).

This Department has reviewed the Supplemental Recirculated Transportation Impact Study Technical Report by Fehr & Peers dated August 2019 and concur with their findings and mitigation measures. They have addressed the County's comments and we recommend approval. **7-A**

Thank you for the opportunity to comment on this project, if you have any questions or comments please contact Paul Candelaria of this department.

\\psbfile01\PW_BuildingDev\Development Review\Development Review\Traffic Study Memos\Planning Department\TIS - Grapevine SR_TIS_Final 10.10.19.docx

Response to Comment Letter 7: Kern County Public Works Department – Administration & Engineering (October 10, 2019)

7-A: Thank you for your comment and for your participation in this public process. This comment concurs with the findings and mitigation measures recommended in the SREIR's Supplemental Recirculated Transportation Impact Study and Technical Report by Fehr & Peers, dated August 2019.

Comment Letter 8: Southern California Gas Company (SoCalGas) (September 24, 2019)

SoCalGas
A Sempra Energy utility

Transmission Technical
Services Department

9400 Oakdale Ave
Chatsworth, CA 91311
SC9314

September 24, 2019

Cindi Hoover
Kern County
hooverc@kerncounty.com

Subject: **Grapevine SREIR -Tejon Ranch**

DCF: **1090-19-225_85 update**

Southern California Gas Company (SoCalGas) Transmission Department operates and maintains high-pressure natural gas transmission pipeline(s) in the vicinity of your project. The pipeline is shown on the attached map(s). Please note, only the high-pressure transmission pipeline information is current on these atlas prints. **8-A**

Our Gas Distribution Department may have other gas facilities within your project area. To assure no conflict with the SoCalGas' distribution pipeline system, please contact NorthwestDistributionUtilityRequest@semprautilities.com. **8-B**

This is only a response to a gas facility map request; a review of potential conflicts associated with your request has not been conducted. Consequently, **this letter does not constitute clearance for any construction work near or around SoCalGas' pipeline(s)**. As your project plans are developed, you must notify SoCalGas - Gas Transmission Department regarding the improvements that are proposed near our pipeline(s) and within our easement(s) before you begin any construction, including potholing. In doing so, please allow sufficient time as there may be certain requirements that need to be incorporated into your project's design and could significantly affect your project construction schedule. **8-C**

Sincerely,

Mike Campisi
Pipeline Planning Assistant
SoCalGas Transmission Technical Services
SoCalGasTransmissionUtilityRequest@semprautilities.com

Response to Comment Letter 8: Southern California Gas Company (SoCalGas) (September 24, 2019)

8-A: Thank you for your comment and for your participation in this public process. The Lead Agency acknowledges, and the SREIR discloses at page 4.8-10, that there are existing natural gas transmission pipelines that the traverse the project site. Explanation of the comment letter's enclosed map is noted.

8-B: The comment's offer of planning assistance and provision of relevant contract information is acknowledged with appreciation.

8-C: The Lead Agency acknowledges the comment's assertion that its comment is only a response to a gas facility map request and that its comment letter does not constitute a clearance for any construction near or around SoCalGas' pipelines. The Lead Agency further notes that the Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Here, the issue identified falls outside the scope of the limited CEQA review required by the Judgement. Specifically, all project-related environmental effects associated with potential development conflicts with existing natural gas transmission pipelines were addressed in the FEIR (2016) and all determinations related to such analysis were unaffected by the Judgement. As discussed above, the Court resolved all CEQA concerns pertaining to potential development conflicts with existing pipelines in favor of the County and, per the Judgement, further analysis of this issue need not be addressed in the SREIR.

Comment Letter 9: Kern County Public Works Department – Floodplain Management Section (September 5, 2019)

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources Department
Cindi Hoover

Date: September 5, 2019

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

Subject: Draft Supplemental Recirculated Environmental Impact Report
Grapevine Specific and Community Plan by Tejon Ranchcorp

We have no comments or recommendations at this time. Conditions will be set at the tentative map stage. **9-A**

Response to Comment Letter 9: Kern County Public Works Department – Floodplain Management Section (September 5, 2019)

9-A: Thank you for your comment and your participation in this public process. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Interested Parties

Comment Letter 10: Center for Biological Diversity and the California Native Plant Society (October 14, 2019)

October 14, 2019

Sent via email and FedEx

Kern County Planning and Natural Resources Department
Attn: Lorelei H. Oviatt
2700 "M" Street, Suite 100
Bakersfield, California 93301
loreleio@kerncounty.com

Re: Draft Supplemental Recirculated Environmental Impact Report – Grapevine Specific and Community Plan by Tejon Ranchcorp (2019)

Dear Kern County Planning and Natural Resources Department:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") and California Native Plant Society ("CNPS") regarding the Draft Supplemental Recirculated Environmental Impact Report ("SREIR") for the Grapevine Specific and Community Plan.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Kern County. **10-A**

CNPS is a non-profit environmental organization with thousands of members in 35 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Comment Letter Regarding Grapevine Specific Plan Page 1

I. The SREIR fails to adequately assess the existing conditions and potential impacts to mountain lions (*Puma concolor*) and wildlife connectivity due to the project.

The SREIR fails to adequately asses the existing conditions of the project area regarding mountain lions and their movement. The only clear acknowledgement of the presence of mountain lions in the project area is provided in MM 4.4-8 Conservation and Awareness Program for Occupants, in which it states that education materials will be provided to notify future occupants "that native animals (e.g., coyote [*Canis latrans*], bobcat [*Felis rufus*], and mountain lion [*Puma concolor*]) are present in the area and could prey on pets, and no actions will be taken against native animals should they prey on pets allowed outdoors by their owners" (SREIR at 4.4-120). Yet no discussion or analyses were conducted to determine the use of the project area as habitat or a movement corridor by mountain lions in the region. 10-B

The SREIR fails to use the best available science and adequately assess impacts of the Project on mountain lions and connectivity. There is no mention of impacts to mountain lions from various Project impacts, including habitat fragmentation, increased lighting and noise associated with development and human activities, increased traffic on roads, use of pesticides and rodenticides, or increased risk of wildfires. Yet there is ample scientific literature that shows that mountain lions in and near the Project area are struggling and that such human activities and land use planning can have adverse impacts on mountain lions. Continued habitat loss and fragmentation has led to 10 genetically isolated populations within California. Several populations in Southern California and along the Central Coast are facing an extinction vortex due to high levels of inbreeding, low genetic diversity, and high human-caused mortality rates from car strikes on roads, depredation kills, rodenticide poisoning, poaching, disease, and increased human-caused wildfires (Benson, Mahoney, et al., 2016; Benson et al., 2019; Ernest et al., 2003; Ernest, Vickers, Morrison, Buchalski, & Boyce, 2014; Gustafson et al., 2018; Riley et al., 2014; T. W. Vickers et al., 2015). This is detailed in the Center's petition to the California Fish and Game Commission to protect Southern California and Central Coast mountain lions under the California Endangered Species Act (Yap, Rose, & Cummings, 2019). 10-C

The SREIR fails to adequately assess and mitigate impacts to wildlife connectivity due to the Project. The Project area consists of over 8,000 acres of open space located in and adjacent to the Tehachapi Mountains, an area that has been identified as a key linkage for regional and statewide mountain lion connectivity (Gustafson et al., 2018). While most mountain lions sampled from this region share some genetic affinities with Western Sierra Nevada (WSN) animals, individuals sampled in the Tehachapi Mountains and surrounding areas, including the Sierra Pelona Mountains in the Angeles National Forest and the Los Padres National Forest, had genetic structures made up of multiple genetic populations from the northern, central coastal, and southern populations (Gustafson et al., 2018). Thus, the area where the Project site is located serves as a connecting link between mountain lion populations throughout the region and the state. The Tehachapi Mountains are some of the last remaining linkages at a habitat pinch point for statewide genetic connectivity and are critical for the overall genetic health and long-term survival of Southern California and Central Coast mountain lions. 10-D

The SREIR fails to adequately assess and mitigate impacts to wildlife connectivity due to increased human activities resulting from the Project. Studies have shown that mountain lions alter their behavior to avoid humans and human disturbances (*e.g.*, development and associated noise and lighting). For example, mountain lions have been found to avoid human voices and move more cautiously when hearing human voices (Suraci, Clinchy, Zanette, & Wilmers, 2019). The presence or perceived presence of humans has been found to reduce overall feeding time (Smith et al., 2017; Smith, Wang, & Wilmers, 2015). Nocturnal patterns of movement and stasis suggest that mountain lions generally avoid areas with human disturbance (Dickson & Beier, 2002; Dickson, Jennes, & Beier, 2005), and although they are generally most active at dusk and dawn, their peak activities have been observed to shift to more nocturnal patterns when they are closer to human disturbance (Van Dyke et al., 1986). And although mountain lions will use moderately disturbed areas as they travel and hunt (Gray, Wilmers, Reed, & Merenlender, 2016; Wilmers et al., 2013; Zeller, Vickers, Ernest, & Boyce, 2017), occupancy is lower in developed areas and they are more likely to use developed areas if they border open spaces (Wang, Allen, & Wilmers, 2015).Thus, mountain lions require sufficient room to roam away from human-disturbed areas and expansive, intact, heterogeneous habitats (Beier, Choate, & Barrett, 1995; Dickson & Beier, 2002; Kertson, Spencer, Marzluff, Hepinstall-Cymerman, & Grue, 2011; W. Vickers, Zeller, Ernest, Gustafson, & Boyce, 2017).

10-E

Human disturbance can have different effects on different members of the population. For example, denning mountain lions have been found to avoid roads and stay at a distance from human disturbance four times greater (~600m) than non-reproductive mountain lions (~150m) (Wilmers et al. 2013). And females have been found to have higher kill rates in more dense housing areas compared to less dense housing areas (Anderson , Jr . & Lindzey, 2003; Cooley, Robinson, Wielgus, & Lambert, 2008; Knopff, Knopff, Kortello, & Boyce, 2010; Smith et al., 2015), which may indicate that females are not consuming as much of each carcass and therefore need to kill more prey (Smith et al. 2015). This may reflect a trade-off made by females to choose feeding sites closer to human-disturbed areas and expend more energy killing prey in order to reduce potential encounters with males that pose a threat to themselves or their kittens (Benson, Sikich, & Riley, 2016). Another factor that may be contributing to higher kill rates in developed areas is that mountain lions expend more energy traveling faster and farther in human-dominated landscapes and therefore require increased caloric intake compared to mountain lions away from developed areas (Wang, Smith, & Wilmers, 2017). Again, the SREIR fails to adequately explain potential impacts to mountain lions and connectivity from increased human disturbances due to the Project and does not provide adequate mitigation measures to avoid or minimize impacts.

The SREIR also fails to adequately assess and mitigate the impacts to mountain lions and connectivity from increased wildfire risk due to the Project. Although fire is a natural disturbance in California ecosystems, sprawl development with low/intermediate densities extending into habitats that are prone to fire, like the proposed Project, have led to more frequent wildfires that burn larger areas (Syphard, Radeloff, Hawbaker, & Stewart, 2009; Syphard et al., 2007). According to the SREIR, at least 42 fires have been recorded since 1915 within five miles of the Project area, nine of which burned in the Project area and *all* human-caused (SREIR at 4.8-6). Placing more sprawl development, infrastructure, and people in fire-prone areas could lead to more human-caused wildfires. Increased frequency of wildfires poses a threat to the

10-F

survival of mountain lions in and near the Project area. Although mountain lions are highly mobile and generally able to move away from wildfires, in severe weather conditions wind-driven fires can spread quickly – they can cover 10,000 hectares in one to two days, as embers are blown ahead of the fires and towards adjacent fuels (*e.g.*, flammable vegetation, structures) (Syphard, Keeley, & Brennan, 2011). If their movement is constrained by roads and development and they are unable to access escape routes, then their chances of surviving wildfires are greatly reduced. Vickers et al. (2015) documented one death of a collared mountain lion in the Santa Ana Mountains and one in the Eastern Peninsular Range due to human-caused wildfires, and the deaths of two collared mountain lions in the Santa Monica Mountains in 2018 have been attributed to the Woolsey Fire. Environmentally stochastic events (*e.g.*, wildfires, flooding) could destabilize small mountain lion populations and make them vulnerable to extinction (Benson, Mahoney, et al., 2016; Benson et al., 2019). In addition, increased frequency of fire ignitions can cause shifts in natural fire regimes, which can lead to large-scale landscape changes, such as vegetation-type conversion or habitat fragmentation, which can impact wide-ranging species like the mountain lion (Jennings, 2018).

Cont. 10-F

The SREIR fails to provide adequate measures to mitigate impacts to mountain lions and connectivity due to human disturbance and increased fire risk from the Project. Limiting development and associated noise and lighting in important movement corridor areas, enhancing wildlife crossing infrastructure where barriers already exist (*i.e.*, roads), and incorporating corridor redundancy are needed to help preserve habitat connectivity and improve chances for the state's mountain lion populations to survive through current and future climate regimes. Increasing landscape connectivity (*e.g.*, by designing corridors, removing barriers, and preserving habitats that are close to each other) is important for resilience to environmentally stochastic events and climate change adaptation (Heller & Zavaleta, 2009). Enhanced connectivity that incorporates corridor redundancy (*i.e.* the availability of alternative pathways for movement) would allow for improved functional connectivity and resilience. Compared to a single pathway, multiple connections between habitat patches increase the probability of movement across landscapes by a wider variety of species, and they provide more habitat for low-mobility species while still allowing for their dispersal (Mcrae, Hall, Beier, & Theobald, 2012; Olson & Burnett, 2013; Pinto & Keitt, 2008). In addition, corridor redundancy provides resilience to uncertainty, impacts of climate change, and extreme events, including wildfires, by providing alternate escape routes or refugia for animals seeking safety (Cushman et al., 2013; Mcrae, Dickson, Keitt, & Shah, 2008; Mcrae et al., 2012; Olson & Burnett, 2013; Pinto & Keitt, 2008). Yet the SREIR provides no such mitigation.

10-G

By failing to adequately assess baseline conditions and potential impacts to mountain lions and wildlife connectivity due to the Project, the SREIR impedes the ability of the public and decision-makers to evaluate the significant adverse impacts the Project would have on the environment (CEQA Guidelines § 15125(a); *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.App.4th 310, 315]) and therefore violates CEQA. To comply with CEQA, the SREIR must provide adequate information and analyses on existing conditions, potential impacts, and the proposed avoidance, minimization, and mitigation measures so that the public and decision-makers are able to effectively evaluate the Project and whether its adverse impacts will truly be avoided or minimized.

10-H

II. The SREIR does not mitigate project impacts on the San Joaquin kit fox.

In the intervening years between the FEIR in 2016 and the SREIR in 2019, new studies and data have become available on biological resources that have relevance to the surveys and impacts of the proposed Grapevine project. Additionally, older studies have become available that can also inform the project of ways to reduce impacts. The County must consider these new data and studies and address these issues in order to safeguard and protect the critically endangered species that are found on or have potential to occur on the project site. We include our prior comments into this record documenting the inadequacies in the 2016 FEIR which have not been thoroughly addressed. **10-I**

While the proposed project still needs the southern boundary of the proposed development moved northwards in order to provide adequate connectivity for the San Joaquin kit fox, it still needs to address wildlife connectivity issues as part of the analysis of impacts from the circulation section (refer to section in SREIR). Roads are a well-documented leading cause of mortality in San Joaquin kit foxes particularly in urban settings (Bjurlin et al. 2005). If the Grapevine project moves forward, as discussed in the SREIR, new roads will be constructed as part of the urban development plan. The SREIR needs to evaluate ways to make roads safer for San Joaquin kit fox passage, in order to reduce impacts to this critically endangered species. For example, appropriate fencing to direct animals, including kit foxes, away from roads and towards safe passage areas needs to be included in the circulation plan (Cypher and Van Horn 2009 – reference to be used on what not to do for fencing). The SREIR should also consider safe passages over and under roads (Bremner-Harrison et al. 2007), although culverts have been shown to be ineffective to allow San Joaquin kit fox use (IBID). Based on the literature (IBID), wider underpasses with clear view to detect predators may be more effective for safe passage of kit fox (and other species) under roads. **10-J**

Because the Grapevine project proposes to convert critical wildlife and San Joaquin kit fox connectivity open space into urbanized housing, the urban housing may become habitat for urban San Joaquin kit foxes, as has happened in Bakersfield. Until recently, Bakersfield's urban kit foxes had flourished in open spaces including golf courses, fields and other situations (Cypher et al. 2012). Recently however, outbreaks of deadly sarcoptic mange have causes significant mortalities, reducing the population of urban kit foxes by an estimated 50%, a blow to the critically endangered canid's recovery (Cypher et al. 2017, Eyewitness News 2019). While the source of the sarcoptic mange in San Joaquin kit foxes remains undetermined, in other urban carnivores, sarcoptic mange is often related to ingestion and exposure to rodenticides by predation on rodents (Serieys et al. 2015, Poessel et al. 2015). San Joaquin kit fox mortalities from rodenticide accumulation are documented (Nogeire-McRae et al. 2019). Because rodents are a primary food source for San Joaquin kit fox, the SREIR needs to consider a ban on rodenticide use in the Grapevine Specific Plan area to prevent secondary poisoning of San Joaquin kit fox as a feasible avoidance and minimization measure for impacts to the San Joaquin kit fox (and other predators that consume rodents, including golden eagles, California condors and others). Preventing rodenticide poisoning likely to have a benefit in preventing a sarcoptic mange outbreak in the general area not only for wildlife but for domestic pets. **10-K**

III. The SREIR does not contain appropriate surveys for the blunt-nosed leopard lizard.

As noted in our prior comments, the surveys for the state and federally endangered blunt-nosed leopard lizard were inadequate. In 2017, the Bureau of Land Management issued *Guidance on Timing for Biological Surveys within the Bakersfield Field Office* (BLM 2017) that specifically provides guidance on blunt-nosed leopard lizard surveys including surveys when habitat disturbance is pending. The SREIR needs to require the implementation of this guidance document as a way to avoid and minimize impacts to the blunt-nosed leopard lizard.

10-L

Because surveys for blunt-nosed leopard lizard were incomplete and deferred in the FEIR, the County needs to require full surveys for blunt-nosed leopard lizards implementing the wildlife agencies survey protocol immediately. If blunt-nosed leopard lizards are found on the proposed project site, conserved on-site set aside areas with connectivity need to be designed into the proposed project to maintain a minimum patch size to support the existing lizard population (Bailey and Germano 2015).

IV. The SREIR's fire risk analysis and fire safety measures are inadequate.

The SREIR fails to adequately assess baseline conditions and potential impacts of the Project to wildfire risk. Although fire is a natural disturbance in California ecosystems, sprawl development like the proposed Project, with low/intermediate densities extending into habitats that are prone to fire, have led to more frequent wildfires that burn larger areas (Syphard et al., 2009, 2007). Most wildfires in California are caused by human ignitions, like power lines, arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Balch et al., 2017; Bistinas et al., 2013; Keeley & Fotheringham, 2003; Radeloff et al., 2018; Syphard, Keeley, Massada, Brennan, & Radeloff, 2012; Syphard et al., 2007, 2019). In fact, human-caused fires account for 95-97% of all fires in California's Mediterranean habitats (Balch et al., 2017; Syphard et al., 2007). At least 29 fires throughout California in the last two years were caused by electric power and distribution lines, and transmission lines are suspected to be the cause of last year's Camp Fire and Woolsey Fire (Atkinson, 2018; Chandler, 2019).

10-M

Although public utilities companies (*i.e.*, PG&E and Southern California Edison) are altering operations in the form of power outages and blackouts during extreme weather conditions (Callahan, Rossmann, & Schmitt, 2019; Fry, Dolan, Luna, & Serna, 2019; Krishnakumar, Welsh, & Murphy, 2019), wildfires can still spark and spread quickly towards homes, as evidenced by the recent fires in Moraga (Hernández, Gafni, & Bauman, 2019) and Saddleridge/Sylmar (Fry, Miller, Ormseth, & Serna, 2019). And the power outages themselves disproportionately burden our most vulnerable communities, including the elderly, poor, and disabled (Chabria & Luna, 2019), and can cause traffic jams and collisions (CBS San Francisco, 2019). Michael Wara, Director of the Climate and Energy Policy Program and a senior research scholar at the Stanford Woods Institute for the Environment, estimated that PG&E's power outage in Northern and Central California could have an economic impact of $2.5 billion in losses, with most of the burden on businesses (Callahan et al., 2019). It is clear that placing more homes and businesses in known fire-prone areas and wind corridors is irresponsible and can lead to deadly and costly consequences.

As noted above, according to the SREIR, at least 42 fires have been recorded since 1915 within five miles of the Project area, nine of which burned in the Project area and *all* human-caused (SREIR at 4.8-6). Areas where fires have historically burned will likely burn again, particularly if they are located in known wind corridors (Moritz, Moody, Krawchuk, Hughes, & Hall, 2010). In severe weather conditions, wind-driven fires can spread quickly—they can cover 10,000 hectares in one to two days, as embers are blown ahead of the fires and towards adjacent fuels (*e.g.*, flammable vegetation or structures) (Nauslar, Abatzoglou, & Marsh, 2018; Syphard et al., 2011). After the deadly and destructive fires of 2018, former Cal Fire Director Chief Ken Pimlott advocated banning home construction in high fire-prone areas to improve fire safety for homeowners, firefighters, and communities (Thompson, 2018). And Governor Newsom's Strike Force reiterated this message, recommending that homes be built away from wild, fire-prone areas (Governor Newsom's Strike Force, 2019). The SREIR fails to use the best available science to adequately assess and mitigate the severity of fire risk at the Project site. 10-N

A. The SREIR fails to adequately account for the impact of climate change to wildfire risk.

In addition to the construction of more homes in the wildland-urban interface, climate change has been identified as another main factor that "magnif[ies] the wildfire threat and place[s] substantially more people and property at risk than ever before" (Governor Newsom's Strike Force, 2019). Climate change is creating hotter and drier conditions that make natural areas more vulnerable to human-caused ignitions. As climate warms, Santa Ana winds may become warmer and more desiccating (Jennings et al. 2018). And inconsistent precipitation patterns could result in extended dry conditions through the traditionally wet winters that coincide with peak Santa Ana winds, which would further increase risk of fire ignitions (Jennings et al. 2018). Therefore, the increased human activity that would accompany the proposed Project in already fire-prone natural areas where Santa Ana winds are common would further exacerbate wildfire risk. Yet there is no discussion of climate change and wildland fires in the SREIR. The SREIR fails to adequately consider the effects of climate change combined with ongoing sprawl development in fire-prone areas when evaluating the Project's wildfire impacts. 10-O

B. The SREIR fails to adequately assess and mitigate the impact of increased wildfires on fire protection services and utilities.

The SREIR fails to consider the impacts on firefighters and first responders of developing the Project in moderate and high fire-prone natural areas subject to intermittent wildfires. The SREIR also fails to ensure funding for needed fire protection resources, stating that the Project would provide "fair-share funding" for fire and emergency medical response resources (SREIR Appendix Y at 38) without stating how those funds will be determined or administered. In addition, the SREIR vaguely states that "[i]t is anticipated that fire facilities appropriate for the Grapevine Project will be provided by TRC to be staffed and operated by KCFD" (SREIR Appendix Y at 38); the provision for fire facilities is not guaranteed, and staffing, operation, and maintenance is vaguely left to KCFD. 10-P

Adding almost 5,000 acres of development with up to 14,000 homes to fire-prone wild areas will necessitate significant firefighting costs from both state and local authorities. Cal Fire is primarily responsible for addressing wildfires when they occur, and its costs have continued to increase as wildfires in the wildland urban interface have grown more destructive. During the 2017-2018 fiscal year, Cal Fire's fire suppression costs were a record $773 million (Cal Fire, 2018). The vast majority of wildfires in Southern California are caused by humans (Balch et al., 2017; Keeley & Syphard, 2018), and siting this development in moderate to high fire hazard areas will increase the frequency and likelihood of such fires (Radeloff et al., 2018; Syphard et al., 2012; Syphard, Massada, Butsic, & Keeley, 2013; Syphard et al., 2019). The SREIR fails to consider how the Project will impact financing for, and the provision of, firefighting resources and whether or how it will draw limited fire-fighting resources from other areas of the state.

Cont. 10-P

According to Captain Michael Feyh of the Sacramento Fire Department, California no longer has a fire season (Simon, 2018); wildfires in California are now year-round because of increased human ignitions in fire-prone areas. Emergency calls to fire departments have tripled since the 1980s (Gutierrez & Cassidy, 2018), and firefighters (and equipment) are being spread thin throughout the state. Firefighters often work 24- to 36-hour shifts for extended periods of time (often weeks at a time), and they are being kept away from their homes and families for more and more days out of the year (Ashton, Lillis, & Ramirez, 2018; Bransford, Medina, & Del Real, 2018; Del Real & Kang, 2018; Gutierrez, 2018; Simon, 2018). In addition, the firefighting force often must rely on volunteers to battle fires year-round.

10-Q

The extended fire season is taking a toll on the physical, mental, and emotional health of firefighters, as well as the emotional health of their families (Ashton et al., 2018; Del Real & Kang, 2018; Simon, 2018). The physical and mental fatigue of endlessly fighting fires and experiencing trauma can lead to exhaustion, which can cause mistakes in life-or-death situations while on duty, and the constant worry and aftermath that family members endure when their loved ones are away working in life-threatening conditions can be harrowing (Ashton et al., 2018). According to psychologist Dr. Nancy Bohl-Penrod, the strain of fighting fires without having sufficient breaks can impact firefighters' interactions with their families, their emotions, and their personalities (Bransford et al., 2018). There have also been reports that suicide rates and substance abuse have been increasing among firefighters (Greene, 2018; Simon, 2018). This is not sustainable.

The SREIR fails to adequately assess and mitigate the impacts to fire protection services. Placing an additional development with up to 14,000 homes in fire-prone areas will further burden already strained people and resources. Again, it is unclear if the human and monetary capital necessary to operate and maintain the new fire station and services will be provided for. The SREIR states that the response levels will be consistent with KCFD's standards for providing fire and life safety (SREIR Appendix Y at 38), but it does not specify how the TRC will ensure this occurs. Funding and resources are already lacking for the increasing costs of fire suppression and property damage from wildfires in California; costs were over $30 billion from 2010 to 2017, and the destruction from 2018's Camp Fire and Woolsey Fire will likely cost additional billions of dollars.

10-R

California and federal residents end up shouldering these costs in the form of fire insurance premiums and taxes that support Cal Fire and federal government subsidies and grants for homes in high risk areas. And these costs do not include other indirect/hidden costs associated with wildfires, such as the costs of doctors' appointments, medication, sick days taken from places of work, funerals, etc. Given the current lack of funding and shortage of firefighting personnel, merely "anticipating" that "appropriate" fire facilities will be provided by TRC and the rest will be taken care without providing adequate details or planning is negligent. The SREIR should explicitly identify how fire safety needs and personnel will be met and implemented, funding sources, and the amount of funding to be provided by the Project proponent. 10-S

C. The SREIR fails to provide adequate fire safety measures, including a fire safety evacuation plan, to effectively mitigate wildfire impacts to less than significant.

The SREIR's threadbare mitigation for human ignitions (PDF Fire-1 and PDF Fire-2)—most of which is already required by law—is insufficient to mitigate the increased risk of human ignitions due to the Project and the increased strain on firefighting resources that would accompany the Project. While defensible space immediately adjacent to structures, ember-resistant vents and roofing, and internal sprinklers may help make homes *fire-resistant*, even the best mitigation cannot make a development *fire-proof*. In addition, homes can add fuel to fires, and fire safety is not guaranteed.

Public safety threats are often exacerbated by infrastructure unable to accommodate the consequences of more human-caused fires at the wildland urban interface. Thus, it is imperative that adequate safety plans are in place prior to an emergency. Yet the SREIR merely recommends that future homeowners "embrace" a "Ready, Set, Go" stance on evacuation, without providing any details of an evacuation plan specific to the Project site. The SREIR simply states that "occupants should evacuate the area as soon as they receive notice to evacuate, or sooner, if they feel threatened by wildfire or structure fire in a nearby residence. Fire is a dynamic and somewhat unpredictable occurrence and it is important for residents to educate themselves on practices that will improve their home survivability and their personal safety" (SREIR Appendix Y at 50). This fire safety mitigation is insufficient and does not reflect real-world experience associated with wildfires in California. Notification systems may not function as expected during an emergency, and evacuation routes can get clogged with traffic quickly, endangering the lives of those trying to evacuate. In addition, the combination of smoke obscuring roads and signage, trees collapsing or being flung into roadways by the wind, and the emotional state of those fleeing for their lives can lead to deadly collisions and roadblocks. And survivors are left to cope with the death of loved ones, physical injuries, and emotional trauma from the chaos that wildfires have inflicted on their communities. These issues are heartbreakingly depicted in an article published in the Sacramento Bee on Oct 22, 2017 (Lundstrom, Kasler, & Lillis, 2017). The SREIR's Fire Protection Plan (SREIR Appendix Y) is insufficient to ensure that future residents can safely evacuate when—not if—fires occur. The SREIR fails to adequately assess and mitigate fire impacts of the Project to less than significant. 10-T

Even if the SREIR provided an adequate evacuation plan, in natural areas with high fire threat where fires have historically burned, a public safety or evacuation plan may not be enough to safeguard people and homes from fires. Having warning systems and evacuation routes in place is important for fire preparedness and fire safety, but these are not guaranteed to function when a fire occurs. And wildfires may ignite with little or no notice, and, as mentioned previously, in severe weather conditions, wind-driven fires can spread quickly—they can cover 10,000 hectares in one to two days as embers are blown ahead of the fires and towards adjacent fuels (e.g., flammable vegetation, structures) (Syphard et al., 2011). This occurred in the recent Camp Fire in Butte County, which spread at a rate of 80 hectares a minute (about one football field per second) at its fastest, and in its first 14 hours burned over 8,000 hectares (Sabalow, Lillis, Kasler, Yoon-Hendricks, & Reese, 2018). In these types of emergencies warning systems can be slow and ineffective at reaching all residents in harm's way, and planned evacuation routes may not be sufficient. These issues were observed during the Camp Fire, which led to at least 85 deaths and 13,000 burned homes (Sabalow et al., 2018), as well as in last year's Tubbs Fire in Sonoma County and Thomas Fire in Santa Barbara County and Ventura County, which led to more than 40 deaths and almost $12 billion in property damage (Lundstrom et al., 2017; St. John, 2017). The SREIR fails to adequately consider or assess the danger of fast-moving wildfires and mitigate the resulting impacts.

10-U

Another critical component of protecting lives and property from wildfires is fire hazard and fire safety education for homeowners in or near fire hazard areas. Structures with fire-resistant features, such as ember-resistant vents, fire-resistant roofs, and surrounding defensible space, have been shown to reduce the risk of destruction due to wildfires (Quarles et al. 2010; Syphard et al. 2014). Although PDF Fire-2 states that "the HOA will provide educational information to homeowners specific to the Grapevine Project site, its potential fire and other hazards, and steps they can take to minimize the potential for personal impacts" (SREIR Appendix Y at 38) and homeowners will be responsible for maintenance, there appears to be no enforcement mechanism in place to ensure property owners are compliant with the fire safety guidelines. There is also no education or outreach regarding how to minimize human ignitions, despite this being the cause of all fires in and near the Project area.

10-V

There are other mitigation measures that should be implemented to minimize wildfire impacts due the Project. For example, external sprinklers with an independent water source would reduce flammability of structures (California Chaparral Institute, 2018). Although external sprinklers are not required by law, water-protected structures are much less likely to burn compared to dry structures, yet the proposed Project does not include this feature. In addition, local solar power paired with batteries could reduce power flow (and therefore reduce extreme temperatures) in electricity lines, which would reduce the need for power outages during extreme weather conditions and provide power for communities when outages are necessary (Lee, 2019). Michael Wara argues that solar power and batteries for homes and "microgrids" linking business districts would help make communities in high fire risk areas safer because it would provide backup power for medical devices, refrigerators, and the internet to run while allowing the main power grid to get shut down (Wara, 2018). Yet the SREIR does not provide, or even discuss, these mitigation measures to minimize wildfire impacts due to the Project, and therefore the SREIR violates CEQA.

10-W

V. Conclusion

Thank you for the opportunity to submit comments on the Project. Please note that the Conservation Groups anticipate submitting additional comments on the SREIR in the future. We look forward to working to assure that the Project and environmental review conforms to the requirements of state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. 10-X

Please do not hesitate to contact the Conservation Groups with any questions.

Sincerely,

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Response to Comment Letter 10: Center for Biological Diversity and the California Native Plant Society (October 14, 2019)

10-A: Thank you for your comment and your participation in this public process. This introductory comment describes the organizational purpose of each signatory to this comment letter. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

10-B: This comment asserts that the Final SREIR must include additional analysis of the project's potential to adversely affect the mountain lion, a species that is not listed as endangered, rare, or threatened under California or federal endangered species regulations.

The Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Here, the issue identified for analysis by the comment falls outside the scope of the limited CEQA review required by the Judgement. Specifically, the project's potential impact on the mountain lion is unrelated to the project's potential traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts potentially caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016). As discussed above, the Court resolved all CEQA concerns pertaining to biological resources in favor of the County, including issues related to wildlife impacts and habitat connectivity. Per the Judgement, further analysis of this issue need not be addressed in the SREIR.

Setting the Judgement aside, the SREIR is still not obligated to analyze the project's potential impacts on mountain lions because that species is not a rare, endangered, or threatened species for purposes of CEQA Guidelines § 15380. As noted above, no species of mountain lion

occurring in California has been listed as rare, endangered, or threatened under California or federal endangered species regulations. Moreover, no species of mountain lion that might occur on the project site is included on the CDFW *Special Animals List*, which was updated as recently as August 2019 and includes all California species that are officially listed or that CDFW has determined (i) meet the criteria for listing, as described in CEQA Guidelines § 15380, even if the species has not been formally listed, (ii) are biologically rare, very restricted in distribution, or declining throughout their range but not currently threatened with extirpation, (iii) are populations in California that may be peripheral to the major portion of a taxon's range but are threatened with extirpation in California, (iv) are taxa closely associated with habitat that is declining in California at a significant rate (e.g., wetlands, riparian, vernal pools, old growth forests, desert aquatic systems, native grasslands, valley shrubland habitats, etc.), or (v) taxa designated as special status, sensitive, or declining species by other state or federal agencies (CNDDB 2019). The only subspecies of mountain lion included on CDFW's Special Animals List is the Yuma mountain lion *(Puma concolor browni)*, but its range is not close to the project site. The Yuma mountain lion only "occurs in the desert plains and low mountains along the Colorado River in southwestern California, southwestern Arizona, northeastern Baja California, Mexico, and northwestern Sonora, Mexico[,]" (Center for Biological Diversity 2019) not on the project site. There are no documented sightings of the Yuma mountain line on or in the vicinity of the project site. Moreover, the Yuma mountain lions range is not "new information" for purposes of Public Resources Code Section 21166(c), as the range of the Yuma mountain lion has been known as early as the mid-1930s, well before the County certified the FEIR in 2016 (Bolster 1998; McIvor et al.).

Furthermore, in southern California, mountain lions typically occur within open oak and riparian woodlands, scrub, chaparral, and similar vegetation communities that provide cover and that support mule deer, the dominant prey species of mountain lion (Currier 1983). The proposed project development footprint is almost entirely within open grassland vegetation, dominated by non-native grass species, with the remaining areas containing active agricultural fields or orchards. Due to the lack of vegetative cover in the form of woodlands, scrub, chaparral, and similar woody vegetation, this does not represent typical habitat for mountain lions or their primary food source (mule deer). The absence of mountain lions within the project site has been confirmed during the course of numerous wildlife studies and surveys (see Section 4.4.2 of the DEIR beginning on page 4.4-9) that have been conducted over several years on and in the vicinity of the project site. Over the course of these studies, no mountain lions have ever been observed or otherwise detected within or immediately adjacent to the proposed project.

However, while no mountain lions have been detected, the area within the project boundary that is located south of Edmonston Pumping Plant Road where the topography begins to slope upwards contains areas supporting oak and riparian woodland, sage scrub, and various shrub communities that are potentially suitable for mule deer and mountain lions. As depicted in Figure 1-6B in the Biological Resources Technical Report for the Grapevine Specific Plan (BRTR), which is incorporated into the SREIR, this entire portion of the project site (approximately 2,100 acres) will be preserved as open space and is contiguous with extensive designated opens space further to the south and east on Tejon Ranch.

With respect to use of the site as a movement corridor by mountain lions, based on the extensive number of studies and analysis that have been conducted regarding wildlife movement within and adjacent to the project, and because of the general lack of suitable habitat within the proposed

development footprint, it is highly unlikely that the valley floor portion of the project area would be used by mountain lions as any kind of movement corridor or habitat linkage. The proposed open space area along the southern portion of the site was incorporated into the overall design of the project to provide important habitat connectivity to areas west of I-5 that serves as a substantial barrier to east-west movement for virtually all terrestrial wildlife species within the project area (and elsewhere on Tejon Ranch). In particular, and as described in the DEIR (pages 4.4-131 through 4.4-132), the open space area will continue to provide access to two critical I-5 underpasses (see DEIR Figure 4.4-18) that connect to additional large open space areas to the west of I-5.

The County understands that the Center for Biological Diversity recently submitted to CDFW a petition requesting that a purported evolutionarily significant unit (ESU) comprising six mountain lion subpopulations be approved by the California Fish and Game Commission (Commission) for listing as threatened or endangered pursuant to the California Endangered Species Act. The listing petition, however, was filed in July 2019, has not been acted on by the Commission, and has no regulatory effect. The Commission is not expected to act before 2020 and, to the County's knowledge, the listing petition has yet to be formally accepted by the Commission and thus the mountain lion is not yet considered a listing candidate species. More importantly, the listing petition does not qualify as "new information" because its substantive claims are largely based on studies that pre-date the County's certification of the FEIR (2016) (Center for Biological Diversity et al. 2019). Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County, further analysis of the project's potential to cause adverse effects on mountain lions is not required.

Finally, if the mountain lion is formally listed as endangered, rare, or threatened under California or federal endangered species regulations, the project would be subject to the regulatory jurisdiction of CDFW and the U.S. Fish and Wildlife Service, which may require incidental take permit authorizations, and implementation of mitigation and minimization measures for project impacts to mountain lions or their habitat as required by applicable law. Since issuance of an incidental take permit is considered a discretionary action, additional environmental review under CEQA and/or the National Environmental Policy Act may also be required to analyze the potential environmental effects of such permitting action.

10-C: This comment asserts that the SREIR fails to adequately assess the project's potential adverse effects on mountain lions and habitat connectivity. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County (including claims that the FEIR failed to adequately disclose, evaluate, and mitigate wildlife impacts related to connectivity), further analysis of the project's potential to cause adverse effects on mountain lions is not required, as explained in Response 10-B.

Contrary to this comment's claims, the SREIR does use the best evidence to adequately assess impacts to mountain lions and connectivity. The DEIR, at pages 4.4-153 through 4.4-154 (which is incorporated by reference into the SREIR) discloses that:

> the project, combined with reasonably foreseeable cumulative projects, would result in development throughout the San Joaquin Valley and a few areas within the Tehachapi Mountain foothills. This has the potentially to disrupt wildlife movement patterns for wildlife species using the San Joaquin Valley and Tehachapi Mountains (in particular, typical wide-ranging terrestrial species including mule deer (*Odocoileus hemionus*), **mountain lion (*Puma concolor*),** bobcat (*Lynx rufus*) and coyote (*Canis latrans*)); however, wildlife movement through and around reasonably foreseeable cumulative project areas would still be possible, although restricted. More importantly, although there are some cumulative projects within established wildlife habitat linkages, including those the [USFWS Recovery Plan for the Upland Species of the San Joaquin Valley (Upland Species Recovery Plan] considers a key priority to conservation for a number of special-status species in the San Joaquin Valley, the San Joaquin kit fox recovery areas identified in the USFWS five-year review and habitat linkages identified for conservation (Dudek 2016c), these linkages would be largely maintained. The configuration and preservation of valley floor and foothill edge habitats and linkages associated with the project is consistent with the habitat preservation and landscape objectives of each of these reports. Despite development of the reasonably foreseeable cumulative projects, the cumulative analysis area would remain predominantly rural with significant open space and wildlife movement opportunity, as shown in Figure 4.4-21, Wildlife Movement. Additionally, the total acreage of habitat analyzed in the cumulative analysis area is approximately 2,119,482 acres and the project, combined with reasonably foreseeable cumulative project, would impact approximately two percent of the total acreage. Therefore, the project, combined with the reasonably foreseeable cumulative project's would remain a less-than-significant cumulative impact to habitat linkages and wildlife movement corridors (emphasis added).

Furthermore, as noted above in Response 10-B, the proposed open space area in the southern portion of the site was incorporated into the overall project design to maintain habitat connectivity and access to critical I-5 underpasses that connect to large open space areas west of I-5. For species occurring within the valley floor portion of the project area, habitat corridors, including those along Grapevine Creek and the California Aqueduct, will be preserved and enhanced to allow wildlife species to move through the project site (see Figure N-6 in the BRTR).

Finally, this comment's claim that there is "ample scientific literature that shows that mountain lions … are facing an extinction vortex" is belied by the listing petition described in Response 10-B. The listing petition proposes recognition of an ESU comprising mountain lion subpopulations located in six areas: the (i) Santa Ana Mountains (SAM), (ii) Eastern Peninsular Range (EPR), (iii) San Gabriel/San Bernardino Mountains (SGSB), (iv) Central Coast South (CCS), (v) Central Coast North (CC-N), and (vi) Central Coast Central (CCC) (Center for Biological Diversity et al. 2019). The listing petition confirms, however, that scientific studies concerning the EPR, CC-N, CC-C, and SGSB mountain lion populations "are limited, and abundance and population trends are unknown" (Id. page 35, 39). With respect to the SAM

population, the commenter's listing petition confirms that "population trends are unclear" (Id. page 38). Finally, the petition confirms that the CCS population is effectively confined to the Santa Monica Mountains (Id. page 36, 37), and its members therefore would not occur on or near the project site. In addition, the listing petition confirms that CDFW "has declared that the number of mountain lions throughout the state is unknown, and they have embarked on an intensive statewide research project to better understand mountain lion numbers regionally and throughout the state" (Id. page 34). Indeed, the listing petition acknowledges that CDFW's "statewide and region specific mountain lion population estimates" will not be known until, at best, 2022 (Id.). While there is evidence that individual members of the various mountain lion populations included in the listing petition's proposed ESU may be adversely affected by Southern California's evolving urban landscape, the listing petition itself makes clear that there is little or no scientific evidence demonstrating that any such population as a whole is known to be facing extinction (with the possible exception of the CCS population which, as discussed, is effectively confined to the Santa Monica Mountains and does not occur on or near the project site), despite this comment's claim to the contrary. As discussed, the mountain lion is not listed as rare, threatened, or endangered under California or federal endangered species regulations, and the CDFW has not included any mountain lion that might occur in the vicinity of the project site on its Special Animals List, which was last updated in August 2019 and includes all animal species that, in CDFW's expert opinion, satisfy the listing criteria specified in CEQA Guidelines Section 15380. Please also see Response 10-C.

This comment cites Benson, Mahoney, et al. (2016), wherein researchers created a model to predict mountain lion population size and genetic diversity over 50 years. This study found that the current CCS mountain lion population is "demographically vigorous," and signs of inbreeding depression were not observed. Only without additional gene flow would the model predict potentially rapid extinction. This comment discusses how mountain lion populations are threatened by low genetic diversity and other anthropogenic factors. This comment's stated concern regarding threat of inbreeding if small populations become completely isolated is supported by this study, although it is better supported by Benson et al., 2019, wherein population viability analyses was conducted to model demographic and genetic interactions over time and predict extinction risk for small mountain lion populations isolated by development. The Benson (2019) study determined that, for the SAM, unless gene flow is increased, inbreeding depression is a concern.

This comment also cites Ernest et al. (2003), which is 16 years old and, thus, current conditions of mountain lion populations may be different. This study looked at genetic variation in mountain lions throughout California and found overall that coastal mountain lions showed less heterozygosity than inland mountain lions. Areas identified as barriers to gene flow included the San Francisco Bay and Sacramento-San Joaquin River Delta, the Central Valley, and the Los Angeles Basin.

This comment also cites Ernest, Vickers, Morrison, Buchalski, & Boyce, 2014, a study that found that SAM mountain lions showed lower genetic diversity than those in every other region sampled, and concludes that this is evidence that "mitigation efforts will be needed to stem further genetic and demographic decay in the Santa Ana Mountains puma population." While this study could support this comment's concerns regarding the threat of low genetic diversity in general, this study was conducted in a different region than the project area location;

specifically, this study area comprised coastal mountains within the Peninsular Ranges south of Los Angeles, in San Diego, Riverside, and Orange counties.

This comment also cites Gustafson et al. (2018), wherein mountain lions from locations throughout California and Nevada were genotyped, and habitat fragmentation due to urbanization was associated with low genetic diversity in southern and coastal California populations. This study is consistent with this comment's general concerns regarding the threat of low genetic diversity on mountain lion populations, and supports the need for habitat linkages in general.

This comment also cites Riley et al. (2014), wherein data was gathered over 10 years (2002–2012) and included genotyping and radio-tracking of mountain lions within and surrounding the SMM area and determined that major freeways are a significant barrier to mountain lion gene flow, and that the most isolated populations are the least genetically diverse. While this study is relevant to this comment's concerns regarding the threat of low genetic diversity on mountain lion populations, and supports the need for habitat linkages in general, this particular study focuses most on the issue of large freeways as significant barriers to mountain lion migration. A highly used freeway (I-5) already exists near the project site and is part of the baseline environmental setting.

This comment also cites T.W Vickers et al. (2015), a study that analyzes genetic and radio-tracking data gathered over 13 years (2001–2013) in southern California. Similar to the Riley et al. (2014) study, the Vickers et al. (2015) study is evidence that habitat fragmentation affects genetic diversity and that major freeways are a significant barrier to gene flow and contribute to mountain lion deaths from vehicle strikes.

10-D: This comment asserts that the SREIR fails to adequately assess and mitigate potential project impacts to wildlife connectivity habitat connectivity. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County (including claims that the FEIR failed to adequately disclose, evaluate, and mitigate wildlife impacts related to connectivity), further analysis of the project's potential to cause adverse effects on mountain lions is not required, as explained in Response 10-B.

Notwithstanding the Judgement, the Gustafson et al. (2018) study does not identify the project site as "a key linkage for regional and statewide mountain lion connectivity." As stated on page 10 of the paper, the author suggests that the "small *mountain ranges*" (emphasis added) in the region, including the Tehachapi Mountains, are important for mountain lion genetic connectivity. The portion of the project that will be developed is within the *valley floor* of the San Joaquin Valley and is not considered a part of the Tehachapi Mountains. Furthermore, a well-respected study prepared by the South Coast Missing Linkages Project (Penrod et al. 2003) evaluated and modeled where the highest value habitat linkage would be expected to occur within the western Tehachapi Mountains for several focal species, including mountain lion. The results indicated that the highest value wildlife linkage for mountain lion within the western portion of Tejon Ranch was in the upper elevations of the ranch well to the south of the Grapevine Project (see

Figure 9 in Penrod et al. 2003, Figure 4.4-18 in the Tejon Mountain Village (TMV) DEIR, and Figure 4.5-4 in the TMV BRTR).

10-E: This comment asserts that the SREIR fails to adequately assess and mitigate potential project impacts to wildlife connectivity due to increased human activities resulting from the project. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County (including claims that the FEIR failed to adequately disclose, evaluate, and mitigate wildlife impacts related to connectivity), further analysis of the project's potential to cause adverse effects on mountain lions is not required, as explained in Response 10-B.

Furthermore, as also explained in Response 10-B, mountain lions are not expected to occur within the portion of the project area proposed for development and therefore would not be subjected to the impacts associated with increased human activities. The DEIR also includes a number of mitigation measures (MM 4.4-1 though MM 4.4-11, beginning on page 4.4-101) to avoid/ minimize indirect and direct impacts on wildlife inhabiting preserved open spaces and potential movement corridors within and adjacent to the project. As also noted in Response 10-B, the approximately 2,100 acres of contiguous open space along the southern portion of the project area was incorporated into the overall design of the project to provide important habitat connectivity to areas west of I-5.

This comment cites Suraci, Clinchy, Zanette, & Wilmers (2015), which evaluated the results of playbacks of human vocalizations (vs. treefrog vocalizations as the control) and suggests that mountain lions avoid human voices and move more cautiously when hearing them. The study area was the Santa Cruz Mountains, a significant distance away from Tejon Ranch. Mountain lions in the study area could be differently adapted than those near Tejon Ranch. This comment also cites Smith et al. (2017), which evaluated the results of playbacks of human vocalizations (vs. treefrog vocalizations as the control) and suggests that, with regards to feeding, mountain lions "fled more frequently, took longer to return, and reduced their overall feeding time" as a result of hearing human vocalizations. As with Suraci, Clinchy, Zanette, & Wilmers (2015), the study area was the Santa Cruz Mountains, a significant distance away from Tejon Ranch.

This comment also cites Smith, Wang, & Wilmers (2015), a study that analyzed location and prey consumption data from 30 mountain lions living along a gradient of human development. The study concluded that average male kill rates stayed constant across housing densities. Female kill rates increased as housing density increased, presumably due to spending less time at kill sites, which may mean decreased utilization of carcasses by the mountain lions living nearest to development (this is mentioned in the comments). The study area was the Santa Cruz Mountains, a significant distance away from Tejon Ranch.

This comment also cites Dickson & Beier (2002), wherein home ranges were calculated, and determined that mountain lions prefer riparian habitats and avoid human-dominated areas as well as grasslands. Mountain lions were found not to avoid roads within their home range, especially roads near preferred habitat. The study discusses the importance of preservation of linked riparian areas without roads. The study area was the Santa Ana Mountain Range, over 100 miles southeast of Tejon Ranch.

This comment also cites Dickson, Jennes, & Beier (2005), wherein tracking collar data was analyzed and similar results were acquired as in Dickson & Beier (2002), including that mountain lions generally avoid areas of urbanization. The study area was the Santa Ana Mountain Range, southeast of the region in which Tejon Ranch is located.

This comment also cites Van Dyke et al. (1986), which describes studies occurring between 1976 and 1982 in northern Arizona and southcentral Utah, limiting relevance to the comment other than the fact that the study involved mountain lions. The study supports the comment that mountain lion activity shifts to become more nocturnal close to human disturbance; however, this source focuses heavily on logging activity as the form of human disturbance studied.

This comment also cites Gray, Wilmers, Reed, & Merenlender (2016), a study that may suggest that mountain lions will use moderately developed areas to travel and hunt. In addition, this comment cites Wilmers et al. (2013), a study that investigates spatial usage by mountain lions in proximity to development in the Santa Cruz Mountains, and suggests mountain lion avoidance of roads by denning mountain lions more than by non-reproductive lions

This comment also cites Zeller, Vickers, Ernest, & Boyce (2017), which does not conclude anything about mountain lions, but rather provides information regarding the technology used in the study. In addition, this comment cites Wang, Allen, & Wilmers (2015), which analyzes the results of a camera-trapping study and concludes that population density of mountain lions in the Santa Cruz Mountains is lower nearer to residential development, and that human disturbance shifts mountain lion activity temporally to be more nocturnal.

This comment also cites Beier, Choate, & Barrett (1995), wherein movement patterns of mountain lions during different behaviors were studied in the Santa Ana Mountains. This study is largely irrelevant to the comment, focusing on mountain lion behavior in general and not on impacts of human disturbance or development.

This comment also cites Kertson, Spencer, Marzluff, Hepinstall-Cymerman, & Grue (2011), a study conducted in western Washington State. The study found that "maximizing predation opportunities and minimizing exposure to residential development" both appeared to be important factors to mountain lions in the study area. This study supports commentary within the comment letter that mountain lions avoid development, but is not directly relevant to the sentence after which it is cited. The focus of the study was on development of a tool that would use spatial ecology to reduce interactions between mountain lions and humans in areas where both use the space.

This comment also cites W. Vickers, Zeller, Ernest, Gustafson, & Boyce (2017), a report concerning mountain lions in northern San Diego County, a different region than that in which Tejon Ranch is located. Global positioning system (GPS) collar data, camera data, and mortality data were studied to draw conclusions meant to inform decisions for the North County Multiple Species Conservation Plan and surrounding areas. Findings included that mountain lions avoid areas of human development as well as open habitat types.

This comment also cites Anderson, Jr. & Lindzey (2003), a study of mountain lions in Wyoming conducted to determine whether information, including predation rates and prey type, could be determined using GPS data alone, and the study was successful in doing this. The study found differences in predation based on mountain lion age groups and did not focus on anthropogenic factors in predation rates. This study does not support this comment's assertion that female

mountain lions killed more prey closer to denser housing development. Similarly, this comment cites Cooley, Robinson, Wielgus, & Lambert (2008), which found that mountain lions disproportionately preyed upon mule deer compared to the more abundant white-tailed deer within the northeast Washington study area. This study does not support this comment's assertion that female mountain lions killed more prey closer to denser housing development.

This comment also cites Knopff, Knopff, Kortello, & Boyce, 2010, wherein GPS telemetry and snow-tracking of mountain lions in Alberta, Canada were used to investigate predation on the various prey species in the area, which are different prey species than those in the Tejon Ranch area. This study does not discuss or support this comment's concerns regarding predation rates in proximity to development. Furthermore, the study discusses potentially removing mountain lions from the study area to reduce predation rates on ungulates, which is completely irrelevant to the substance of this comment.

This comment also cites Benson, Sikich, & Riley (2016), which concludes that, in home ranges where there is limited development, some mountain lions choose feeding sites closer to development, despite potential consequences of human disturbance. This paper posits that mountain lions may choose feeding site closer to development because there may be more abundant prey near development, and for females, a lower risk of encounters with males who may pose a threat to her and her offspring.

Finally, this comment cites Wang, Smith, & Wilmers (2017), a study conducted in the Santa Cruz Mountains, which are not close to the project site, and suggests that mountain lions expend more energy closer to development, and thus may require more caloric intake, requiring the higher kill rates observed.

10-F: This comment asserts that the SREIR fails to adequately assess and mitigate potential project impacts to mountain lions and habitat connectivity from increased wildfire risk due to the project. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County (including claims that the FEIR failed to adequately disclose, evaluate, and mitigate wildlife impacts related to connectivity), further analysis of the project's potential to cause adverse effects on mountain lions is not required, as explained in Response 10-B.

The fire-related information and statistics provided in this comment are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. The comment asserts that the project could lead to more human-caused fires that could adversely affect mountain lions. First, the SREIR adequately discloses that most on-site vegetation is dominated by grasslands that have been grazed for decades, while the foothills have a bit more scrub, wetland, woodland, and riparian scrub habitats (SREIR page 4.8-4). It recognizes that the behavior and characteristics of wildfires are dependent on a number of biophysical (fuels, weather conditions, topography, and ignitions) and anthropogenic (ignitions and management) factors (Id.) and that the project site's grasses would tend to ignite more easily, burn faster, and burn for a shorter duration than woody vegetation such as shrubs and trees (SREIR page 4.8-5). It also discloses that high winds provide oxygen to wildfires and can blow embers of vegetation far ahead of the front of a fire, allowing them to jump fuel breaks in some cases, and further

recognizes that extreme fire weather can occur, including large Santa Ana wind events (SREIR pages 4.8-5, 4.8-6). The SREIR also discloses that the project site includes 6,530 acres (81 percent) in a State Responsibility Area under the jurisdiction of the California Department of Forestry and Fire Protection (CAL FIRE), consisting of 5,032 acres of Moderate Fire Hazard Severity Zones predominantly on the valley floor and 1,498 acres of High Fire Hazard Severity Zones largely in the foothills (SREIR page 4.8-5, Figure 4.8-1). The remaining 1,557 acres (19 percent) of the site is located in an unzoned Local Responsibility Area, wherein there is minimal or no wildland fire hazard (Id.). The SREIR also provides thorough information regarding the site's fire history, including that most occurrences on site and regionally are human-caused, and its weather conditions (SREIR page 4.8-5, 4.8-6). Baseline conditions are accurately provided in the SREIR, and the comment has provided no evidence to the contrary.

In addition, the SREIR appropriately discloses the location and extent of designated fire hazard areas (see Response 10-M for further discussion), and the project's mitigation has been carefully crafted to ensure less than significant impacts. Further, with regard to the changing nature of wildfires, the Lead Agency notes that years of experience by expert fire agencies and others have led to the state and local requirements applicable to the project. Further, as the project will be built over more than 19 years (SREIR page 3-85), it is likely that the fire codes, standards, and guidelines would be continually updated by the State and County agencies as the knowledge gained from past fires is increased; these updated code requirements, as finalized through discussions with the Kern County Fire Department (KCFD), would be applied to subsequent development phases of the project to ensure that project development continues to meet evolving standards to ensure impacts are less than significant.

In addition, the BRTR, which is incorporated into the SREIR, discloses that urbanization alters natural wildfire regimes in terms of the frequency of fires, but also in regard to the strategic and tactical approaches to preventing and fighting wildfires (FEIR Appendix F page 255). The BRTR also discloses that the alteration of vegetation communities can have profound effects on wildlife species communities (Id.) As discussed in the BRTR, altered wildfire regimes, and particularly increased incidence of fires in urbanizing areas, may also be considered an edge effect because often these fires are a result of human activities at the open space-urban interface, such as accidental ignitions from sparks from equipment, as well as intentional ignitions, such as arson (Id. page 256). The BRTR also discloses that the effect of large wildfires is at the landscape level, especially when fires are quickly spread by strong winds (Id.)

As explained in the BRTR, the majority of the project's development footprint is located within the valley floor, which is primarily grassland with low fuel loads (Id). Moreover, as explained in Response 10-B, mountain lions are not expected to occur within this portion of the project area due to the lack of suitable vegetation cover and general lack of mule deer (their preferred prey), which also prefer areas with more vegetative cover than the extensive open grassland that dominates the project site. However, recreational activities within the open space areas, such as hiking or other activities, increases the risk of fire in the scrub, native grassland, and woodland vegetation communities in the foothills. MM 4.8-10 through 4.8-21 would avoid and minimize this risk to a less than significant level by, among other things, reducing fuel loads in and fire risk in open space areas, implementing and maintaining fuel modification zones, and ensuring that site pans and building permit applications include compliance with all applicable state and local fire codes as described in the Grapevine Fire Protection Plan. In addition, the project would provide approximately 3,367 acres of open space, which would avoid and minimize the risk of

wildfire by providing substantial suitable habitat away from the urban-open space interface that will be managed in accordance with the Grapevine Resource Management Plan.

This comment cites Syphard, Radeloff, Hawbaker, & Stewart (2009), a study that investigated population and fire data from all Mediterranean climate ecoregions, suggests that fire peaked at intermediate population densities, and suggests that development in fire-prone areas may cause more frequent and destructive wildfires. Similarly, this comment cites Syphard et al. (2007), a study that investigated California fire, population, and other data up to the year 2000 and suggests that fire peaked at intermediate population densities and that vegetation type was also a wildfire factor. In addition, the Syphard, Keeley, & Brennan (2011) and the Jennings (2018) studies cited in this comment suggest that vegetation type and management techniques can have a direct effect on fire frequency and movement.

10-G: This comment asserts that the SREIR fails to adequately mitigate potential project impacts to mountain lions and habitat connectivity due to human disturbance and increased wildfire risk. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County (including claims that the FEIR failed to adequately disclose, evaluate, and mitigate wildlife impacts related to connectivity), further analysis of the project's potential to cause adverse effects on mountain lions is not required, as explained in Response 10-B.

Furthermore, and as noted above in Response 10-B, the proposed open space area in the southern portion of the site was incorporated into the overall project design to maintain habitat connectivity and access to critical I-5 underpasses that connect to large open space areas west of I-5. For species occurring within the valley floor portion of the project area, habitat corridors, including along Grapevine Creek and the California Aqueduct, will be preserved and enhanced to allow wildlife species to move through the project site (see Figure N-6 in the BRTR).

This comment cites Heller & Zavaleta (2009), a paper that evaluates recommendations for responding to climate change from 113 papers published between 1975 and 2007 and attempts to narrow down common trends and actionable recommendations. The source generally supports the comment that increasing landscape connectivity is important for resilience to stochastic events and adaptation to changing climate, in that the study finds nature conservation to be a common recommendation.

This comment also cites Mcrae, Hall, Beier, & Theobald (2012), a study that investigates methods of identifying barriers that could be removed to improve habitat connectivity. While the study itself is not highly relevant to the issue described in the comment, the paper discusses the importance of landscape connectivity and thus generally supports the comment that wildlife corridor redundancy improves functional connectivity and resilience.

This comment also cites Olson & Burnett (2013), which summarizes potential landscape designs for connectivity of habitats using headwater riparian linkage areas. The source discusses the importance of landscape connectivity and thus generally supports the comment that wildlife corridor redundancy improves functional connectivity and resilience.

This comment also cites Pinto & Keitt (2008), a study wherein GIS software was used to investigate the effect of localized disturbance on dispersal routes linking conservation units in the Brazilian Atlantic forest. Habitat loss was simulated, and resulting dispersal route changes were observed. Although the study area is irrelevant to Tejon Ranch, the source loosely supports the comment that wildlife corridor redundancy improves functional connectivity and resilience.

Finally, this comment cites Mcrae, Dickson, Keitt, & Shah (2008), which discusses how circuit models can be used to identify important habitat patches and movement corridors for conservation planning. While the study itself is not highly relevant to the comment, language within the source generally supports the comment that wildlife corridor redundancy is beneficial.

10-H: This comment asserts that the SREIR fails to adequately mitigate potential project impacts to mountain lions and habitat connectivity and thereby impedes fails to adequately apprise the public and decision-makers of the project's potential adverse effects. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County (including claims that the FEIR failed to adequately disclose, evaluate, and mitigate wildlife impacts related to connectivity), further analysis of the project's potential to cause adverse effects on mountain lions is not required, as explained in Response 10-B. See also Response 10-B regarding why mountain lions are not addressed in the existing conditions section of the SREIR, why adverse impacts on mountain lions are not likely to occur, and the preservation of habitat connectivity for mountain lions and other species along the proposed open space area in the foothill portion of the project.

10-I: This comment asserts that unspecified "new" and "older" studies and data regarding biological resources have become available since the FEIR was certified in 2016, which must be considered in the SREIR. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County, further analysis of the project's potential to cause adverse effects on San Joaquin kit fox is not required, as explained in Response 10-B.

See also Global Response 8: Biological Resources, Section 1, in the FEIR, which addresses the extensive mitigation being proposed for potential impacts on San Joaquin kit fox, including the preservation of over 7,200 acres of off-site mitigation containing high quality suitable habitat for this species.

CEQA does not require lead agencies to "conduct every test or perform all research, and experimentation recommended or demanded by commenters" (CEQA Guidelines § 15204(a). Rather, a Lead Agency must "use its best efforts to find out and disclose all that it reasonably can" about potential environmental impacts. CEQA Guidelines § 15144; *see also Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 253 ("When, as here, an EIR must address controversial matters that resist reliable forecasting, CEQA requires only that the agency use its best efforts to find out and disclose all that it reasonably can, and that

the EIR display adequacy, completeness, and good faith effort at full disclosure.") The primary standard in this regard is reasonableness—"CEQA does not demand what is not realistically possible, given the limitation of time, energy and funds." *Saltonstall v. Sacramento* (2015) 234 Cal.App.4th 549, 583. As discussed, the Judgement determined that the FEIR (2016) met this reasonableness standard and thus upheld its analysis of the project's potential impacts on biological resource as adequate under CEQA.

10-J: This comment asserts that the SREIR must be revised to analyze the project's potential impacts on San Joaquin kit fox that might be caused by the project's internal road network. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County, further analysis of the project's potential to cause adverse effects on San Joaquin kit fox is not required, as explained in Response 10-B.

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See also Global Response 8: Biological Resources, Section 3, in the FEIR, which addresses project revisions to improve wildlife passage along the southern open space, along the creeks within the project site, and along the California Aqueduct.

10-K: This comment asserts that the SREIR must be revised to analyze and mitigate the project's potential impacts on San Joaquin kit fox related to rodenticide exposure. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County, further analysis of the project's potential to cause adverse effects on San Joaquin kit fox is not required, as explained in Response 10-B.

See also Global Response 8: Biological Resources, Section 3, in the FEIR, which addresses project revisions to improve wildlife passage along the southern open space, along the creeks within the project site, and along the California Aqueduct.

10-L: This comment asserts that SREIR must be revised to adequately analyze the project's potential impacts on blunt-nosed leopard lizard. This comment does not pertain to potentially adverse traffic, air pollution, greenhouse gas, noise, public health or growth inducing impacts that might be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016)—i.e., the only issues that the Judgement directed the County to analyze before considering certification of the SREIR. Since the Judgement resolved all CEQA concerns pertaining to biological resources in favor of the County, further analysis of the project's potential to cause adverse effects on blunt-nosed leopard lizard is not required, as explained in Response 10-B.

Furthermore, the 2017 Bureau of Land Management guidance document cited by this comment does not constitute "new information" requiring additional environmental review under 21166(c). The adoption of new survey guidance documents does not constitute new information because the information regarding the underlying issue—i.e., potential project impacts to blunt-nosed leopard lizard—has long been known. *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320. Moreover, the project is not subject to the jurisdiction of the Bureau of Land Management, and mitigation measures have been implemented to reduce project impacts on the blunt-nosed leopard lizard to the extent feasible. Such measures include MM 4.4-4, which requires that, prior to the issuance of building or grading permits, the project biologist must conduct focused protocol-level surveys for blunt-nosed leopard lizard in accordance with CDFW-approved survey methodology within suitable habitat during the survey season immediately prior to grading or construction. In addition, MM 4.4-4 requires that, within 30 days prior to initiation of ground-disturbing activities that would occur between March and November, three to five clearance surveys must be conducted for blunt-nosed leopard lizard in and within 50 feet of areas of proposed disturbance, in accordance with CDFW protocol-required timing and weather criteria. If surveys detect presence of blunt-nosed leopard lizard, MM 4.4-4 further requires implementation of setback, buffer, and fencing requirements in consultation with CDFW, among other avoidance measures.

10-M: First with regard to this and all further fire-related comments (see Comments 10-N through 10-W), the Lead Agency notes that wildfire impacts fall outside the scope of the new analysis required in the SREIR. Per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016). Specifically, all project environmental effects associated with fire were addressed in the FEIR (2016) and all determinations related to such analysis were unaffected by the Judgment. The Court resolved all CEQA concerns pertaining to fire in favor of the County, and, per the Judgment, further analysis of this area need not be addressed in the SREIR. The SREIR provides Section 4.8, *Hazards and Hazardous Materials*, which contains wildfire analysis as described in the FEIR (2016), for informational purposes. The Lead Agency also provides the substantive responses below, and Responses 10-N through 10-W, for informational purposes. See Response 10-B, above, for further information regarding the limited scope of analysis.

The fire-related information and statistics provided in this comment are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. The comment asserts that the SREIR fails to adequately disclose baseline fire-related conditions. The Lead Agency disagrees. First, the SREIR provides accurate environmental setting information

with regard to wildfires, explaining that most on-site vegetation is dominated by grasslands that have been grazed for decades, while the foothills have a bit more scrub, wetland, woodland, and riparian scrub habitats (SREIR page 4.8-4). It recognizes that the behavior and characteristics of wildfires are dependent on a number of biophysical (fuels, weather conditions, topography, and ignitions) and anthropogenic (ignitions and management) factors (Id.) and that the project site's grasses would tend to ignite more easily, burn faster, and burn for a shorter duration than woody vegetation such as shrubs and trees (SREIR page 4.8-5). It explains that high winds provide oxygen to wildfires and can blow embers of vegetation far ahead of the front of a fire, allowing them to jump fuel breaks in some cases, and further recognizes that extreme fire weather can occur, including large Santa Ana wind events (SREIR page 4.8-5, 4.8-6). The project site is accurately characterized as including 6,530 acres (81 percent) in a State Responsibility Area under the jurisdiction of CAL FIRE, consisting of 5,032 acres of Moderate Fire Hazard Severity Zones predominantly on the valley floor and 1,498 acres of High Fire Hazard Severity Zones largely in the foothills (SREIR page 4.8-5, Figure 4.8-1). The remaining 1,557 acres (19 percent) of the site is located in an unzoned Local Responsibility Area, wherein there is minimal or no wildland fire hazard (Id.). The SREIR also provides thorough information regarding the site's fire history, including that most occurrences on site and regionally are human-caused, and its weather conditions (SREIR page 4.8-5, 4.8-6). Baseline conditions are accurately provided in the SREIR, and comment has provided no evidence to the contrary.

The comment next provides information regarding electric power and distribution line related fires, appearing to infer that the project may lead to such ignitions. However, the Lead Agency notes that the comment's inference is misleading and incorrect. Pursuant to Mitigation Measure MM 4.8-13, all new permanent power lines shall be installed underground, completely avoiding ignitions from power lines associated with wind events and/or vegetation (SREIR page 4.8-62). While temporary overhead power lines may be used during construction, and existing lines may be temporarily relocated above-ground during construction (Id.), the project is required, during construction, to implement the following mitigation measures, which ensure less than significant impacts with regard to power lines (SREIR page 4.8-62, 4.8-63):

MM-4.8-13 All new permanent power lines shall be installed underground. Temporary overhead power lines may be used during construction, and existing lines may be temporarily relocated above-ground during construction, provided that the tentative tract map or site plan application includes compliance with the vegetation clearing and restrictions specified in the Grapevine Fire Protection Plan, or alternate measures providing an equivalent level of fire protection as approved by the Kern County Fire Department

MM 4.8-16 The project proponent shall continuously comply with the following during the construction of the project: When a Red Flag Warning is issued by the National Weather Service for the project site, all non-emergency construction activities shall cease. This provision shall be clearly stated in the Fire Safety Plan. The required Emergency Response Liaison shall ensure implementation of a system that allows for immediate receipt of

Red Flag Warning information from the Los Angeles/Oxnard office of the National Weather Service

MM 4.8-17 Prior to the issuance of grading or building permits, the project proponent shall develop and implement a Fire Safety Plan for use during construction. The project proponent shall submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The Fire Safety Plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following:

a. All internal combustion engines, stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.

b. Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. Said vehicle types shall maintain their factory-installed (type) muffler in good condition.

c. Fire rules shall be posted on the project bulletin board at the contractor's field office and areas visible to employees.

d. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.

e. Personnel shall be trained in the practices of the Fire Safety Plan relevant to their duties. Construction personnel shall be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats.

f. The project proponent shall make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.

g. Smoking shall be prohibited in wildland areas and shall be limited to paved areas or areas cleared of all vegetation.

h. The project proponent shall confer with the Kern County Fire Department regarding the need to install water or dip tanks within the project site. Should dip tanks be required, the project proponent shall construct dip tanks as specified by the Kern County Fire Department.

i. Perimeter fuel modification zones around building pads shall be implemented and approved by the Kern County

Fire Department prior to combustible materials being brought to the project site areas adjacent to conservation areas that include flammable vegetation.

j. Existing flammable vegetation shall be removed on vacant lots prior to commencement of construction and prior to bringing combustible construction materials on-site.

k. Dead fuel, ladder fuel (fuel which can spread fire from ground to trees), and downed fuel shall be removed and trees/shrubs shall be properly limbed, pruned, and spaced per this plan.

This comment does not demonstrate any inadequacy with the SREIR, and no further response is required.

10-N: The information presented regarding wildfire statistics, and the opinion that the project site should not be developed, are noted for the record. This comment appears to suggest that development on the project site should be banned. However, the Lead Agency disagrees. The designation of fire hazard severity zones is not intended to prevent all development, but rather to help limit wildfire damage to structures through appropriate design, prevention, and mitigation activities/requirements that reduce risk (CAL FIRE 2019). CAL FIRE classifies a zone as having a moderate, high, or very high fire hazard based on a combination of how a fire will behave and the probability of flames and embers threatening buildings. If development was prevented in moderate, high, or very high fire hazard severity zones, much of Kern County would be subject to development prohibitions. Rather, the zones are used to designate areas where California's wildland urban interface building codes apply to new buildings, they can be a factor in real estate disclosure, and local governments consider fire hazard severity in the safety elements of their general plans (Id.).

With regard to the project site and its designations, the SREIR appropriately discloses the location and extent of designated fire hazard areas (see Response 10-M for further discussion), the project will comply with all regulatory and enforcement requirements, and the project's mitigation has been carefully crafted to ensure less than significant impacts. See SREIR page 4.8-57 to 4.8-66 for further analysis. Banning development on the project site is not necessary to avoid significant impacts. This comment does not provide new or significant information addressing the adequacy of the SREIR, and no further response is required. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-O: This comment raises concerns about global warming increasing the potential for wildfire risks. Increased wildfire risks from global warming are an example of a potential future environmental impact on the project, rather than the project's impact on the environment. CEQA requires an assessment of the impacts that a project will have on the environment. See, e.g., CEQA § 21002(a) ("The purpose of an environmental impact report is to identify the significant effects on the environment of a project. ..."). As the California Supreme Court decided in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) (62 Cal.4th 369), "CEQA analysis is concerned with a project's impact on the environment, rather than with the environment's impact on a project and its users or residents" (*CBIA v. BAAQMD* at 369, 378).

Further, with regard to the changing nature of wildfires, the Lead Agency notes that years of experience by expert fire agencies and others have led to the state and local requirements applicable to the project. Further, as the project is built over more than 19 years (SREIR page 3-85), it is likely that the fire codes, standards, and guidelines would be continually updated by the State and County agencies as the knowledge gained from past fires is increased; these updated code requirements, as finalized through discussions with the KCFD, would be applied to subsequent development phases of the project to ensure that project development continues to meet evolving standards to ensure impacts are less than significant. This comment does not demonstrate any inadequacy with the SREIR, and no further response is required. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-P: The information and statistics provided in this comment are noted and will be provided to the Planning Commission and Board of Supervisors for consideration. The impact of fires on firefighters is an example of an impact of the environment on non-project residents, which analysis is not required by CEQA. As discussed further in Response 10-R, the Lead Agency disagrees with this comment's assertion that the SREIR fails to ensure funding for fire protection resources. This comment's selection of an isolated quote from the Fire Protection Plan is misleading—please see Response 10-R for further information. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-Q: The information this comment provides about increased human ignition, and the impacts of fighting more fires on firefighters and their families, is noted for the record and will be provided to the Planning Commission and Board of Supervisors for their consideration. The Lead Agency notes that the project's compliance with regulatory requirements and its mitigation measures will ensure less than significant fire-related impacts. This comment does not address the adequacy of the SREIR, and no further response is required. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-R: This comment asserts that increased demand for fire protection services from project development has not been adequately addressed. However, the Lead Agency disagrees. As discussed in FEIR (2016) Appendix Y, *Fire Protection Plan*, existing emergency response capabilities were first studied to determine whether and by how much existing facilities and teams would be deficient in meeting project demand with 4-minute response times (Fire Protection Plan pages 35 to 36). This analysis indicated that while portions of the project site could be served within 4 minutes, large portions of the site were outside that area and additional fire resources are therefore necessary to meet project demand (Id. page 36). The project was also studied with regard to call volume demand, based on the Kern County's internal standard to maintain a firefighter to citizen ratio of 1:2,500 (Id) By this metric, it was also determined that additional resources will be necessary to meet increased call volume demand from the project (Id.).

It is anticipated that Station No. 55 (Tejon Station) and Station No. 56 (Lebec) would provide interim fire protection services to the project site (FEIR page 4.14-11). In addition, as indicated in Chapter 3, *Project Description*, as warranted by buildout of the project, two new fire stations would be constructed at the project site to provide for the additional fire protection services (Id.). The KCFD determined that although only one fire station is currently contemplated by the project, up to two fire stations would be located in the project site. The KCFD indicated that 75 percent of the operational costs of the first station would be allocated to the project, and 50

percent of the operational costs of the second station would be allocated to the project (Id.; see also FEIR (2016) Appendix Y).

The projected property tax revenues allocated for fire protection from implementing the project would provide the Fire Protection Fund an average of 11.2 percent of the 1-percent property tax levied on all development at the project site. The total annual revenues to the Fire Protection Fund would be approximately $4.96 million at project buildout (all dollar values in this section are presented in 2015 dollars; refer to FEIR (2016) Appendix Y). Based on KCFD's Fiscal Year 2015–2016 budget, each fire station has an average operating budget of $3.22 million. Considering the allocation of 75 percent of the costs of the first station, and 50 percent of the costs of the second station, to the project, the total operating costs due to the project at buildout would be $4.02 million, or approximately $94.05 per service population (both residents and workers) (refer to Appendix Y). Mitigation Measures MM 4.14-1 and MM 4.14-2, including as updated in the FEIR (2016), require the project proponent to designate, construct, and provide necessary fire service equipment and facilities to serve the project site. Mitigation measures have been structured to require increased improvements at the cost of the applicant as development occurs. With implementation of mitigation measures MM 4.14-1 and MM 4.14-2, impacts to fire service are considered less than significant (FEIR page 4.4-11, 4.4-12, 7-246). Mitigation measures are legally enforceable requirements, and there is no evidence to suggest that funding required by mitigation measures will not be provided. This comment provides no evidence that fire service will be inadequate or uncertain, and no further response is required. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-S: This comment continues to assert that increased fire service demand has not been appropriately planned for. However, this is incorrect. Please see Response 10-R for further discussion. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-T: This comment incorrectly asserts that the only mitigation imposed on the project to address human fire ignition sources is PDF Fire-1 and PDF Fire-2. The Lead Agency notes that, rather, the project is subject to an extensive suite of fire-related mitigation measures—MM 4.8-10 through MM 4.8-21—to address fire-related impacts, particularly potential human-caused fire. With regard to being unable to make homes entirely fire-proof, the Lead Agency agrees with the comment and further notes that CEQA does not require such construction.

With regard to safety plans, the Lead Agency disagrees with the comment's assertion that project requirements are insufficient. With regard to construction-period impacts, the project is subject to MM 4.16-11, which requires a construction traffic control plan that includes assurance of access for emergency vehicles to the project site, and MM 4.8-9, which requires the appointing of an Emergency Response Liaison to coordinate the reduction of construction-related traffic for the duration of any emergency at or near the project site and further provides coordination with KCFD, the Kern County Sheriff's Department, and CHP (see SREIR page 4.8-57).

With regard to operation-period impacts, the comment misleadingly claims that the project will only provide vague suggestions to residents. Rather, the Lead Agency notes that a robust Fire Safety Plan will be required pursuant to MM 4.8-17 and the project proponent is required to ensure compliance with the Grapevine Fire Protection Plan pursuant to MM 4.8-19 (SREIR page 4.8-62 to -64). Mitigation measures are enforceable requirements, and it is reasonable to conclude that compliance will be appropriately enforced.

Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-U: This comment's assertion that evacuation plans and emergency response will be inadequate is noted and will be provided to the Planning Commission and Board of Supervisors for consideration. However, the Lead Agency disagrees, noting that the project is subject to comprehensive and the most current regulatory requirements with regard to project design, access, circulation, and emergency response and evacuation. This comment provides no evidence that compliance with such requirements and project mitigation measures will be ineffective.

The Lead Agency notes that comparison to fire events in different parts of the state with different weather, topography, regulatory requirements, ignition sources, project designs, and age and maintenance of structures and vegetation, is not instructive. Rather, the SREIR includes thorough, project-specific information and analysis. With regard to the changing nature of fires more generally, the Lead Agency notes that years of experience by expert fire agencies and others have led to the state and local requirements applicable to the project. Further, as the project is built over more than 19 years (SREIR page 3-85), it is likely that the fire codes, standards, and guidelines would be continually updated by the State and County agencies as the knowledge gained from past fires is increased; these updated code requirements, as finalized through discussions with the KCFD, would be applied to subsequent development phases of the project to ensure that project development continues to meet evolving standards to ensure impacts are less than significant. This comment does not demonstrate any inadequacy with the SREIR, and no further response is required. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-V: The Lead Agency agrees that education is a key component of fire safety planning. For that reason, the project is subject to MMs 4.8-11, 4.8-17, 4.8-19, 4.8-20, and 4.8-21, which contain robust education and enforcement requirements applicable to construction and operation of the project (SREIR page 4.8-61). Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-W: The Lead Agency disagrees with this comment's assertion that additional fire-related mitigation is necessary. The project has been designed to ensure less than significant impacts, and this comment provides no evidence to the contrary. Please also see Responses 10-B and 10-M above for further information regarding the limited scope of analysis.

10-X: The Lead Agency acknowledges this comment's indication that further comments may be forthcoming, and this information will be provided to the Planning Commission and Board of Supervisors for consideration. This comment does not address the adequacy of the SREIR, and no further response is required.

Comment Letter 11: TriCounty Watchdogs (October 14, 2019)

TriCounty Watchdogs
P.O. Box 6413, Pine Mountain Club, CA 93222

14 October 2019

SENT VIA EMAIL

Kern County Planning Department
Attn: Mrs. Cindi Hoover, Planner II
Advance Planning Division
2700 M Street, #100
Bakersfield, CA 93301
661.862.8629
planning@kerncounty.com
hoover@kerncounty.com

Dear Mrs. Hoover,

Re: DSREIR, GRAPEVINE SPECIFIC AND COMMUNITY PLAN (2019) Tejon RanchCorp.

The TriCounty Watchdogs appreciates the opportunity to comment on the Grapevine Project (Project) Draft Supplemental Recirculated Environmental Impact Report (DSREIR). We are a 501(c)3 non-profit grassroots organization whose mission is to protect natural and cultural resources, promote ecotourism, and responsible growth in the Frazier Mountain Communities, and whose area of interest encompasses the places at which the Los Angeles, Kern, and Ventura Counties converge. We respect and support our cultural and historical heritage, and promote reasonable protections to our sensitive natural environments. We are troubled by the long shadow of approaching sprawl—including master-planned communities and proposed infrastructure projects, and have deep concern regarding the sustainability of our local finite water supplies, as well as increasing insults to our air quality via traffic and development activities, potentially causing harm to not only residents, but wildlife and conservation areas as well. **11-A**

Air Quality

It takes little imagination to conclude the Project, which the Court recognizes as lacking in "the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's vehicle trip internal capture rate was lower than analyzed in the Final Environmental Impact Report (FEIR 2016)," and could further "result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducement impacts that could result from such longer trips and higher vehicle miles travelled" (DSREIR Executive Summary 1-1). It is also possible to ascertain significant air quality impacts from this and other projects, including the Tejon Mountain Village and Tejon Ranch Centennial Project; Tejon Indian Casino Project; Gorman Post Ranch Project; Castaic's North Lake Project; Newhall Ranch's Mission Village and other "master planned" communities in Santa Clarita; Highway 138 and Interstate 5 expansion projects; High Desert Corridor—inland truck port and route connecting SR 14 and I-5; and the National Cement Plant. All will have significant cumulative air quality and quality of life impacts to current residents of the communities of Gorman, Lebec, Frazier Park; mountain communities of Lake of the Woods, Pinion Pines, Pine Mountain Club, Lockwood Valley; and even communities as far east as Three Points, Neenach, and Antelope Acres. In fact, the cumulative impacts listed in the Draft Supplemental Re- **11-B**

Cont. 11-B

circulated Environmental Impact Report (DSREIR) do not include many of these massive infrastructure and development projects directly adjoining Project's location and crisscrossing Los Angeles County, which justifiably, have potential to add significant impacts to the list of communities previously mentioned (DSREIR, Grapevine Project, 3-89, August 2019). Furthermore, it is difficult to believe statements indicating: "Under cumulative conditions with full project buildout . . . [n]o impacts would occur to SR-99 north of the project through Bakersfield" (FEIR, 7-326 October 2016).

The Project actually creates a commuter culture, especially during the first phases of development, and it is far-fetched to state its first residents, or any future residents, will not commute north to Bakersfield, or south to Santa Clarita, the L.A. Basin, east to Centennial, or Lancaster/Palmdale, and even points beyond. Moreover, one need only look at cities with planned subdivisions, "specific plan communities" designed to be "sustainable," such as those built in Santa Clarita, which have not only high internal capture rates (ICR), but four lane surface streets across "sprawling" communities heavily trafficked all day, carrying commuters to freeways which Jason Crawford, planning and economic development manager with the city states, " half of the estimated 90,000 working population leave the Santa Clarita Valley for work" (Santa Clarita Valley Signal, January 15, 2019). The Signal article title, substantiated by data compiled from the U.S. Census Bureau's 2017 American Community Survey, says it all: SCV Commute among nation's worst. Can the Project claim to have no additional effect to mountain residents, Santa Clarita commuters, truckers, or Interstate 5 travelers?

While the Project supposedly mitigates traffic with "fair share" cost improvements to State and Interstate highways/freeways, traffic continues to back up northbound and southbound in and out of Santa Clarita daily and on the I-5 during extreme weather events and holidays, and in addition to heavy truck traffic, freeway maintenance and construction, added traffic will complicate ease of travel—further reducing Level Of Service—to residents already living in our mountain and valley communities. One of the most disingenuous things the Project proponents can say is that their residents will live and work in the same place, that their development is designed to "[c]reate a livable community defined by convenient access to employment, shopping, parks, schools, and housing via alternative modes of transportation in a portion of Kern County already served by major infrastructure and already developed with employment uses at the adjacent TRCC" (DSEIR, 1.4.3, Project Objectives, 1-19). There is *nothing* to assure, with certainty, a majority of residents will acquire work in the area. While the Project supposedly mitigates traffic with a share of cost for improvements to state and interstate highways/freeways, their "livable community" population will add to already problematic San Joaquin Valley air quality and pollution, and worsen air quality issues beyond what exists now, which will further exacerbate impacts to sensitive receptors, cause disease, reducing "livability" for existing residents, and essentially nullifying Project objectives that state it will "[c]reate a community that encourages healthy living through active lifestyles" (DSREIR, 1.4.3, 1-19). Physical activity during days of consistently unhealthful air quality contribute to and worsen respiratory illness—like COPD, cardiovascular disease, asthma, and other ailments like cancer and dementia, and can affect children and the unborn more than others.

Indeed, the U.S. Environmental Protection Agency has stated, "The San Joaquin Valley has some of the nation's worst air quality, failing to meet federal health standards for both ozone (smog) and particulate pollution" because its "surrounding mountain ranges trap air pollutants—and pollution sources, including heavy truck traffic on I-5 and Highway 99; diesel-burning locomotives, tractors and irrigation pumps; and wood-burning stoves and fireplaces" (https://www.epa.gov/sanjoaquinvalley/epa-activities-cleaner-air). Environment California's website identifies California cities with the worst air, and cites Bakersfield second worst for 218 days of elevated smog pollution (2015); other central valley cities in the top ten include Visalia-Porterville, Sacramento, and Fresno (https://environmentcalifornia.org/reports /cae/our-health-risk). The American Lung Association 2018 ***national*** rankings finds Bakersfield first most polluted for short-term particulates; second most polluted for ozone; and third most polluted for year round particulate pollution (https://www.lung.org /local-content california/our-initiatives/state-of-the-air/2018/state-of-the-air-2018.html). Prevailing winds carry pollutants southward, pushing them into the Tejon Pass, amplifying air quality issues that already exist—adding cumulative effects, and subjecting mountain and valley residents to a share of San Joaquin Valley air, adding to

Cont. 11-B

I-5 automobile and semi-truck pollution burdens currently impacting residents. Increasing the pollution burden and saying the Project's priorities "encourages healthy living" and "active lifestyles" is hypocrisy. The only project alternative to reducing pollution is a "no project" alternative if preservation of human and ecosystem health is the highest priority of Kern County's Planning Department, and its Air Pollution Control District.

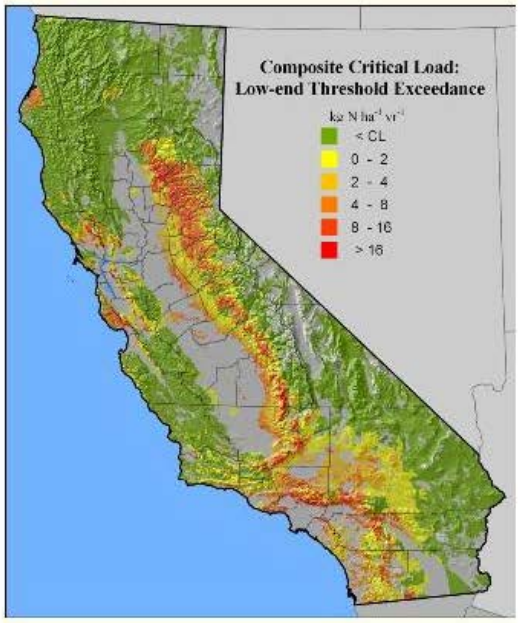
The DEIR is typical in its mitigation responses to particulate pollution created during construction and agricultural operations—that of PM10 and PM2.5, which also carries with it, as it becomes entrained on winds, *Coccidioides immitus,* fungal spores that cause Valley Fever. The mitigation measures outlined in the DEIR offer numerous ways to reduce exposure of PM10 and PM2.5 to construction workers, which far outweigh mitigation offered to residents during and after construction. Kern County has the highest number of reported cases of coccidioidomycosis in California. "In calendar year 2018, there were 2,937 Kern County residents diagnosed with valley fever," said the County's Health Department Director Matt Constantine, as stated in Bakersfield's "Just one Breath" reporting series (https://www.bakersfield.com/special/just-one-breath/valley-fever-cases-in-kern-last-year-were-highest-since/article_b6b31bde-66b3-11e9-94b6-936449f47ff9.html). The number of confirmed cases [were] nearly triple the cases recorded in 2014, the highest since 1992, which reported 3,342 cases (Just one Breath, "Valley Fever Cases in Kern last year were highest since 1992," Steven Mayer, April 24th, 2019). Kim Hernandez, epidemiology manager with Public Health stated "Kern County residents regularly account for 30 to 50 percent of all cases in California," and "[o]ur incidence rate is higher than any other county, by far"(Mayer). There appears to be a mismatch between purported effectiveness of Kern and San Joaquin Valley air quality management rules and regulations listed as mitigations, when evaluated against continued increases of Valley Fever cases caused by fugitive dust. The high number of cases also reflect real problems, not only to those personally devastated by the illness, but extraordinary public cost of health care and lost productivity, that places incredible unmitigated burdens on taxpayers from which the Project escapes.

In addition to construction activities causing fugitive dust, the DSREIR must consider effects from agricultural operations on the Project's open space lands, during, and especially, after construction buildout. In light of this threat, the Kern County Planning Department must consider preservation of human and ecosystem health among its highest priorities. The fact that Valley Fever cases are growing year over year since 1992 indicates serious difficulties in improving and sustaining already imposed air quality requirements to control fugitive dust in Kern County and the larger San Joaquin Valley. Perhaps the only alternative to reducing pollution caused illness is a "no project" alternative if preservation of human and ecosystem health *is* the highest priority of Kern County's Planning Department.

Other aspects of air pollution, besides effects on human populations, which are rarely identified or mitigated in environmental review documents, including this Project's EIR, are those that affect wildlife and ecosystems. Air pollution is a recognized health hazard for humans and domestic animals, but little attention has been paid to their importance in the decline of wildlife. "Air pollutants have had a worldwide effect on both wild birds and wild mammals, often causing marked decreases in local animal populations. The major effects of industrial air pollution on wildlife include direct mortality, debilitating industrial-related injury and disease, physiological stress, [anemia], and bioaccumulation. Some air pollutants have caused a change in the distribution of certain wildlife species" (James R. Newman, "Effects of industrial air pollution on wildlife," Abstract, https://www.sciencedirect.com/). Human activities associated with the Project, producing increased air pollution, have potential to contribute effects causing reduction in "ecosystem services," via aquatic and terrestrial eutrophication, and "in certain sensitive terrestrial ecosystems such as grasslands, excessive atmospheric loads of nitrogen alone can result in loss of sensitive species, increased growth of species that benefit from high nitrogen levels, changes to habitat structure and function, and the [homogenization] of vegetation types" (The Seventh Environment Action Programme, European Union, 2013). Human activities accelerate the rate at which nutrients enter ecosystems through runoff from landscaping, agriculture and development, and pollution from septic systems and sewers, and for this Project, oil production as well. (https://www.science_daily.com/terms/eutrophication.htm). Furthermore, ongoing development,

Cont. 11-B

continued agricultural operations, and oil well pumping activities all contribute toxic substances to the Project area and Tejon Ranch Conservancy lands. These include "pesticides used in agroecosystems (organochlorines, organo-phosphorus and carbamate compounds, anticoagulants, herbicides and fungicides), various organic pollutants (chlorobenzenes, chlorophenols, polychlorinated biphenyls, dibenzodioxins and dibenzofurans, and polycyclic aromatic hydrocarbons), heavy metals (lead, mercury, and cadmium), agricultural drainwater mixtures, leachates and radionuclides" (https://www.science_daily.com/terms/eutrophication.htm**).** Oil and gas extraction, which will continue in the Project area, is also a menace to wildlife. "Loud noises, human movement and vehicle traffic from drilling operations can disrupt avian species' communication, breeding and nesting. The infrastructure built for energy development or agriculture can also get in the way, affecting wildlife movement. Powerlines, wellpads, fences, and roads fragment habitats for many species" (The Wilderness Society, https://www.wilderness.org/). Oil spills can have long-term impacts and devastating effects on wildlife through direct contact, inhalation, and ingestion of toxic chemicals, which can damage their liver, kidney, spleen, brain or other organs; cause cancer immune system suppression, reproductive failure, and trigger long-term ecological changes by damaging animals' nesting or breeding grounds (https://www.wilderness.org).
An estimated 5.4 million Californians live within a mile of at least one oil and gas well, whose "disastrous impacts of fossil fuel use, including air pollution, droughts, fires, mudslides, storms and sea level rise, already cost Californians more than 12,000 lives and one hundred billion dollars annually. Yet the oil and gas industry contributes less than 0.3 percent of California's [Gross Domestic Product] and a small number of jobs" (https://publicintegrity.org, "Big Oil's black mark on California's climate record," September 12, 2018). It is clear that agricultural operations and oil/gas production, in addition to previously discussed traffic pollution and particulate issues, in the areas near the Project, already affect people, wildlife, conservation lands; and pollution controls proposed or currently in place will neither protect those currently residing in the mountain and valley communities, nor future residents from the additive ill effects of those activities.



Composite critical load exceedance map for seven major vegetation types in California. The figure indicates areas where and by how much atmospheric nitrogen deposition is higher than the critical load (e.g., threshold) for risk of harmful ecological effects. Forest Service

The figure at left indicates areas where and by how much atmospheric nitrogen deposition is higher than the critical load (e.g., threshold) for risk of harmful ecological effects. (Forest Service, Research & Development, https://www.fs.fed.us/research/). The work of Mark E. Fenn, et. al., Setting limits: Using air pollution thresholds to protect and restore U.S. ecosystems, identifies crucial thresholds of air pollution which, over time, lead to degradation and loss of ecosystem services, as well as damage to human health: "More than four decades of research provide unequivocal evidence that sulfur, nitrogen, and mercury pollution have altered, and will continue to alter, our nation's lands and waters. The emission and deposition of air pollutants harm native plants and animals, degrade water quality, affect forest productivity, and are damaging to human health. Many air quality policies limit emissions at the source but these control measures do not always consider ecosystem impacts. Air pollution thresholds at which ecological effects are observed, such as critical loads, are effective tools for assessing the impacts of air pollution on essential

ecosystem services and for informing public policy. U.S. ecosystems can be more effectively protected and restored by using a combination of emissions-based approaches and science-based thresholds of ecosystem damage." Furthermore, Dr. Fenn, and his associates state, "based on the results of a comprehensive review of air pollution thresholds, we conclude: Ecosystem services such as air and water purification, decomposition and detoxification of waste materials, climate regulation, regeneration of soil fertility, production and biodiversity maintenance, as well as crop, timber and fish supplies are impacted by deposition of nitrogen, sulfur, mercury and other pollutants. The consequences of these changes may be difficult or impossible to reverse as impacts cascade throughout affected ecosystems. Existing monitoring programs track vital information needed to measure the response to policies, and could be expanded to include appropriate chemical and biological indicators for terrestrial and aquatic ecosystems and establishment of a national ecosystem monitoring network for mercury. The development and use of air pollution thresholds for ecosystem protection and management is increasing in the United States, yet threshold approaches remain underutilized. Ecological thresholds for air pollution, such as critical loads for nitrogen and sulfur deposition, are not currently included in the formal regulatory process for emissions controls in the United States, although they are now considered in local management decisions by the National Park Service and U.S. Forest Service. Ecological thresholds offer a scientifically sound approach to protecting and restoring U.S. ecosystems and an important tool for natural resource management and policy."
It is apparent that this research and its use by federal agencies will provide a tool for preservation and possible improvement of ecosystems. It should also be a requirement of all proposed projects that have potential to impact not only surrounding forests, but the Tejon Ranch conservation lands used as mitigation to support their polluting projects. Development should be tied to pollution thresholds, and should only proceed when pollutants are reduced to meet or fall below non-critical levels. The Project could break new ground in its efforts to reduce pollution.

Cont. 11-B

Biological Resources- Bioregion connectivity

This project, as proposed, will 'put the last nail in the coffin' in terms of forever disconnecting the grasslands at the base of the Sierra Nevada from the grasslands at the base of California's Coast Range. Genetic flow among populations of many species will be irreparably lost. That genetic flow connectivity has already been compromised by farmlands, Highway I-5 and the California Aqueduct. However, those disruptions are reversible. As an example, at present, plans are being made to reconnect the Santa Monica Mountains to the hills and mountains to the north by constructing a wildlife and native plant corridor over Highway 101. This Grapevine Project, however, will present an insurmountable obstacle.

If this Project proceeds in one form or another, it should include, with the involvement of government agencies, permanent and effective routes for wildlife passage and plant life genetic flow through this region, the last hope to retain bioregion connectivity at the southern end of the Great Valley of California. 11-C

South Coast Missing linkages, published by the South Coast Wildlands in 2018 together with a consortium of public agencies and private organizations, is a comprehensive plan for a regional network that would maintain and restore critical habitat linkages between existing reserves. The northernmost of these linkages is the **Tehachapi Connection.** Within the Tehachapi Connection are four strands. One of these strands includes a swath of grassland and foothill habitats alond the southern rim of the San Joaquin Valley to serev the suite of grassland-dependant species clinging to existence there.

The Grapevine Project blocks the grassland portion of this strand. The oirtion of Great Valley grasslands on both sides of I-5 between the California Aqueduct and the southern rim of hills next to Grapevine motorist services is absolutely essential for the bioregional connectivity in this area.

The South Coast Missing Linkages document has been used extensively by planning agencies, including Los Angeles County General Plan, CalTrans' "Wildlife Crossing Guidance Manual," California Department of Fish &Wildlife's: California Essential Habitat Connectivity Project, Ventura County's Wildlife Corridor Project, Antelope Valley Area Plan, USGS Biodiversity Study and many others. **Cont. 11-C**

The value of major portions of conservation land held by the Tejon Ranch Conservancy, and guided by the Ranchwide Agreement which maintained oil, water, and agricultural operations on conservation lands; will likely be at risk when one considers the extent to which the major developments proposed by Tejon RanchCorp along the Interstate 5 Corridor will bring added air pollution and wildlife movement disruptions that have proved to have deleterious effects on ecosystem services and preservation. Ecosystem services, such as "air and water purification, decomposition and detoxification of waste materials, climate regulation, regeneration of soil fertility, production and biodiversity maintenance, as well as crops . . . are impacted by deposition of nitrogen, sulfur, mercury and other pollutants. The consequences of these changes may be difficult or impossible to reverse as impacts cascade throughout affected ecosystems" (M.E. Fenn, et. al., "Setting limits: Using air pollution thresholds to protect and restore U.S. ecosystems). This Project, with cumulative impacts from other Tejon Ranch developments and major infrastructure projects could erase not only the modicum goodwill earned with the creation of the Tejon Ranch Conservancy, but ironically, the health of the environment meant to be preserved, and injurious to current and future residents. **11-D**

Sincerely,

Member, on behalf of TriCounty Watchdogs

Response to Comment Letter 11: TriCounty Watchdogs (October 14, 2019)

11-A: Thank you for your comments and your participation in this public process. These comments will be provided to the Planning Commission and Board of Supervisors for consideration. This introductory comment provides information regarding the comment and the concerns it expresses regarding development at large. This comment does not address the SREIR directly, and no further response is required. Please see responses to project-specific concerns below.

11-B: The comment raises various issues, mostly related to the air quality analysis for the project and others relating to potential traffic and biological resources impacts.

First, we note that much of the comment asks for analysis that is beyond the scope of the Judgment, which required the SREIR to be completed. The Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center (internal trips), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR, which the Court has identified before considering recertification." The Judgement is consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse impacts to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Much, if not all, of the analysis requested by the comment does not stem from the assumptions about the project's ICR and is thus outside the scope of the Judgement. Since these issues could have been, but were not, litigated during the lawsuit challenging the FEIR (2016), they are not required to be addressed in the SREIR. However, for purposes of full disclosure, we address each portion of the comment in turn below.

As to potential cumulative air quality impacts from the project and other projects in the region, we note that the SREIR addresses cumulative impacts on air quality in Impact 4.3-6 on page 4.3-97 to 4.3-98, which found this impact significant and unavoidable as to cumulative emissions of ROG with implementation of MM 4.3-1 through 4.3-17. The cumulative analysis included the Tejon Mountain Village Specific Plan, the Tejon Ranch Centennial Project, and the Tejon Indian Casino Project. See SREIR Table 3-12 (Cumulative Projects List) in Section 3.6 on page 3-90.

The High Desert Corridor project noted by the comment has been withdrawn by Caltrans based on a lawsuit filed by Climate Resolve (Linton 2019). It does not appear that the Gorman Post Ranch project is proceeding, as the last action on the project was in June of 2018, no active application is currently on file with the County of Los Angeles, and the property is being advertised for sale (Hamlin Gooding 2013). Finally, the National Cement Plant is an existing plant already in operation and thus is part of baseline conditions. The FEIR and SREIR both used the Los Angeles Metro Model that includes Southern California Association of Governments (SCAG) projected land use growth. The data in the Traffic Analysis Zones (TAZs) in Los Angeles County was reviewed and although the TAZs do not identify specific projects in the SCAG region, the SCAG model includes foreseeable growth in both population (single family and multi-family residential units) and employment based on the State of California's Sustainable Communities Strategy (SCS) of improving jobs/housing balance in Northern Los Angeles County. The geographic scope for transportation and traffic cumulative impacts was the whole of Kern County, specifically the I-5 corridor in Los Angeles County from the I-5/Fort Tejon interchange to the I-5/SR-99 junction. See SREIR Impact 4.16-7 on page 4.16-66. Under CEQA Guidelines section 15130(b)(3), lead agencies have authority to define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used, which the FEIR (2016) and the SREIR did. For these reasons, the SREIR fully analyzed and mitigated for the potential cumulative impacts of the project.

As to the comment on commuter culture and potential increases in travel due to project implementation, this potential traffic increase due to project implementation is inherent in the ICR analysis, which forms the basis of the SREIR's traffic and air quality analyses. The ICR does not assume that future residents will not commute outside of the bounds of the project area. In fact, the SREIR considers the initial HBW ICR of only 28.7% from the FEIR (2016), which assumes that 71.3% of home to work trips will extend beyond the project area[1] (SREIR page 4.3-1-2). This assumption is entirely consistent with the comment's statement that half of the working population leave the Santa Clarita Valley for work. The SREIR also assessed lower ICRs than the 28.6% HBW ICR originally evaluated in the FEIR (2016), including assessing a project at full buildout with a 20 percent reduction in the daily and peak hour ICRs used in the 2016 EIR (Id). None of the lower ICRs, including the 20 percent reduction ICR, were found to generate a greater amount of daily average or peak hour trips than identified in the 2016 EIR, which means that traffic impacts would not be increased from those analyzed in the FEIR (2016). However, some of the lower ICR scenarios were found to generate higher levels of vehicle miles traveled and thus were assessed in the air quality analysis (SREIR page 4.3-41, 4.3-62 to 4.3-85). The highest emissions resulted from the assumptions in Scenario B, which assumed a 20 percent reduction in ICR (SREIR Table 4.3-48, page 4.3-88 to 4.3-89). Because the SREIR's revised ICR analysis showed that emissions of particulate matter 2.5 microns or less in diameter ($PM_{2.5}$) and PM_{10} may not be mitigated to less than significant levels with implementation of MM 4.3-4 and the 2016 VERA, the SREIR amends MM 4.3-4 and the Development Mitigation Contract (DMC) to ensure that emissions of ROG, NO_X, and, specifically, particulate matter would be reduced to below the SJVAPCD thresholds of significance. Emissions of carbon monoxide (CO) would still exceed the SJVAPCD threshold and are thus significant and unavoidable (SREIR page 4.3-90 to 4.3-91). The SREIR also identifies new feasible mitigation measures in Section 4.3.4.4. Thus,

[1] The SREIR also assumes a total ICR for project trips of 59.8% in the AM peak period and 64.2% in the PM peak period. See SREIR pg. 4.3-2.

the project fully analyzes and mitigates for potential effects to mountain residents, Santa Clarity commuters, truckers, and I-5 travelers.

As to fair share mitigation for traffic and/or air quality impacts, this comment is outside the scope of the Judgement. However, fair share mitigation is a lawful mitigation measure commonly utilized to mitigate impacts that are caused by multiple projects over time. CEQA Guidelines section 15130(a)(3) ("[a]n EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact"). As described above, the ICR assumptions that form the basis of the project's traffic and air quality analyses evaluate and mitigate for very low assumed ICRs, as required by the Judgment. The amended DMC, adopted in MM 4.3-4, addresses potential air quality impacts, including health impacts, by requiring that all emissions are reduced to below the SJVAPCD thresholds of significance. In addition, a project that includes a promise to mitigate emissions via a VERA/DMC is preferable to one without such an agreement. As explained in the SREIR, the SJVAPCD (and other surrounding air districts) is required by law to continue to plan for attainment of the National Ambient Air Quality Standards, and actual attainment of those standards is required by law (SREIR page 4.3-7 to 4.3-11). With cleaner transportation fuels/cars and cleaner energy sources, air quality in all regions of California is improving and is expected to continue to improve in the future.[2]

With regard to this comment's concerns regarding traffic during extreme weather events and holidays, the trip generating characteristics of the proposed project evaluated weekday AM and PM peak hour conditions when residents and businesses would all be generating vehicle (car and truck) traffic. During extreme weather events and holidays, the amount of car and truck traffic to and from the project would be much lower due to residents not traveling and businesses being closed. Therefore, the proposed project would not reduce LOS to residents in the mountain and valley communities when compared to the analysis completed for the FEIR and SREIR.

The comment's statements on the existing air quality in the San Joaquin Valley and surrounding cities are noted for the record. It should also be noted that, as discussed in the SREIR, the U.S. Environmental Protection Agency (EPA) recognizes that much of the air quality problems in the region are due to topography (SREIR page 4.3-4 to 4.3-5; EPA website https://www.epa.gov/sanjoaquinvalley/epa-activities-clean-air). The EPA also recognizes that technological advances in engines, emission controls, and clean energy hold great promise for reducing air pollution in the valley and the DMC will provide funds to support these transitions (Id.). The comment's opinion that only a no project alternative would reduce pollution will be considered, and it is noted that a no project alternative was considered in the FEIR (2016).

As to potential impacts from Valley Fever, this comment is outside the scope of the Judgment, but the comment and citation of the Bakersfield article is noted for the record. The comment raises general concerns related to Valley Fever. The SREIR discusses potential environmental impacts due to Valley Fever (SREIR page 4.3-24 to 4.3-25, 4.3-43) and requires implementation of MM 4.3-6 to reduce the impacts of Valley Fever to less than significant levels (SREIR

[2] See SJVAPCD website, available at: https://www.valleyair.org/Home.htm (with articles discussing EPA redesignation of the valley to attainment for federal PM_{10} standards, EPA finding of valley in attainment of the 1-hour Ozone standard, among other air quality improvements in the region).

page 4.3-46 to 4.3-48). MM 4.3-6 would require the project proponent to develop a Valley Fever Dust Management Plan that must meet the approval of the public health experts at Kern County Health Services. In addition, to control impacts related to dust, MM 4.3-2 requires the preparation of a Fugitive Dust Control Plan with various required elements, including that traffic speed on unpaved roads shall be limited to a maximum of 25 miles per hour (SREIR page 4.3-44 to 4.3-45). MM 4.3-2 also requires that construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and those activities cause visible dust plumes (Id.). In addition, a new state law was passed in 2018 (Assembly Bill 1790) that requires education and outreach about Valley Fever, and the project will be required to comply with this law as applicable. The SJVAPCD, the expert agency charged with protecting public health in the area of air quality, has reviewed the SREIR and FEIR (2016) analysis and has not suggested any inadequacy in the air quality mitigation measures related to Valley Fever.

The comment next mentions effects from agricultural operations on the project's open space lands during and after construction buildout, in the context of Valley Fever. As stated above, this comment is outside the scope of the Judgment. As described above, Valley Fever was also analyzed and potential impacts mitigated for in the FEIR (2016) and the SREIR. The project does not provide for agricultural uses within the Specific Plan's Open Area (OA) open space zone, although limited agricultural uses are permitted within the Exclusive Agriculture (EA) zone, which serves as a transitional area between open space and urban zoned lands and permits other open space-oriented uses, such as trails and stormwater basins. Both health and ecosystem impacts due to Valley Fever were addressed in the SREIR. The no project alternative was also addressed in the FEIR (2016), including the fact that a no project alternative would entail fewer air emissions, including emissions affecting health.

The comment next addresses the potential for air emissions to affect wildlife and ecosystems, the potential for nutrients to enter ecosystems through runoff, and the impacts of ongoing development, including oil and gas activities, to contribute toxic substances to the project area. First, this comment is outside the scope of the Judgment and thus was not required to be addressed in the SREIR. However, the SREIR did briefly discuss the potential for air emissions to impact wildlife (SREIR page 4.3-16 to 4.3-17 (addressing increased nitrogen inputs to terrestrial and wetland ecosystems)) and the FEIR (2016) also addressed the potential for the release of chemical pollutants to affect habitat and plant and wildlife species in detail, including the potential release of fuel, oil, and other construction materials and pesticides due to project activities (FEIR Section 4.4.4).

As discussed, Tejon Ranchcorp has entered into a DMC with the SJVAPCD to reduce emissions of ROG, NO_X, and PM_{10} (inclusive of $PM_{2.5}$) in the study area. Per the DMC, Tejon Ranchcorp would mitigate the project's emissions of these pollutants from construction and operations by achieving surplus, quantifiable, and enforceable emission reductions; "surplus" emission reductions are reductions that are not otherwise required by existing laws or regulations. With implementation of the DMC, project-generated emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ would be fully offset, as required by the County in 2016 in the 2016 EIR MM 4.3-4. Accordingly, net emissions of these pollutants would be reduced to zero within the San Joaquin Valley. Therefore, the project would not result in potential wildlife or ecosystem impacts associated with these pollutants.

Notably, as described in the project EIR, even with incorporation of mitigation required in the 2016 EIR by the County, including the DMC satisfying MM-4.3-4, estimated annual mitigated operational emissions of CO would continue to exceed the SJVAPCD threshold. This was determined to be a significant and unavoidable impact. CO is harmful because it binds to hemoglobin in the blood, reducing the ability of blood to carry oxygen. This interferes with oxygen delivery to the body's organs. The most common effects of CO exposure in humans are fatigue, headaches, confusion and reduced mental alertness, light-headedness, and dizziness due to inadequate oxygen delivery to the brain. In regards to potential health impacts to humans, localized CO exposure is the primary driver, which determines the concentration of CO in the blood. As described in the project EIR, potential localized exposures to CO from traffic volumes at congested intersections were determined to be minimal and less than significant. This conclusion is based on comparisons to state 1-hour and 8-hour ambient air quality standards, which are protective of human health. There are no state or federal standards established based on wildlife effects of CO exposure. However, based on the minimal estimated localized concentrations of CO, as well as the location of these concentrations near congested intersections (which would not be a likely draw for wildlife), the project is not anticipated to result in substantial exposure or potential impacts to wildlife.

In addition, additional mitigation measures were adopted to reduce air quality impacts (see FEIR (2016) Section 4.4.4). Generation of fugitive dust and potential impacts on wildlife was also discussed in Section 4.4.4. In general, potential short-term temporary indirect impacts to special-status species, which vary by species, include the generation of fugitive dust (including effects associated with leaving bare ground after temporary removal of vegetation). Excessive dust can decrease the vigor and productivity of habitat through effects on light and penetration, as well as photosynthesis, respiration, transpiration; increased penetration of phytotoxic gaseous pollutants; and increased incidence of pests and diseases. MM 4.3-2 would require the implementation of a Fugitive Dust Control Plan that would require construction-related dust to be suppressed in compliance with the SJVAPCD Regulation VIII (refer to Section 4.3, *Air Quality*, for further details regarding fugitive dust). Implementation of MM 4.3-2 would reduce excessive dust through dust suppression during construction. Implementation of MMs 4.3-1 through 4.3-4 would further reduce dust generation by requiring compliance with SJVAPCD rules and regulations; requiring construction equipment to meet specific requirements by 2020, 2025, and 2030; and ensuring that the project proponent enters into a DMC with the SJVAPCD (MM 4.3-4). Impacts would be less than significant in this regard with the implementation of mitigation measures. The reference in the form of an abstract by James R. Newman is noted for the record, and we clarify that this abstract appears to address industrial air pollutants, which generally refers to stationary sources of air pollution, which only make up a very small part of the emissions from the project.

The potential for runoff from landscaping and sewer wastewater pollution to impact species and ecosystems was also addressed in the FEIR (2016) in Sections 4.4.4 (Biological Resources) and 4.9.4 (Hydrology and Water Quality). The project does not include new agricultural activities, septic systems, or oil and gas production. The Science Daily website merely defines eutrophication, and the reference to The Wilderness Society website is general in nature and thus no response is necessary to these references. Both references are noted for the record. Further, all new oil and gas production in Kern County must comply with Kern County's Oil and Gas Ordinance, which includes requirements related to stormwater management. In addition, existing

oil and gas operations must also comply with applicable stormwater quality requirements, which are described in the *Final Environmental Impact report for Revisions to the Kern County Ordinance – 2015(c)* (Oil and Gas EIR). Likewise, as drilling operations for oil and gas activities are not part of the project, potential environmental impacts due to noise or vehicles or impacts to avian species were not required to be addressed in the FEIR (2016) and SREIR. However, these impacts were addressed in the Oil and Gas EIR. Potential oil spill impacts were also addressed in the Oil and Gas EIR. In regards to the comment's mention of fossil fuel usage and the citation to the Center for Public Integrity article on oil and gas production, we assume the comment is referring to potential climate change impacts from fossil fuel use and extraction, both of which were also addressed in the Oil and Gas EIR. The comment's assertion that agricultural operations and oil and gas production, in addition to existing traffic and emissions, already affect people, wildlife, and conservation lands is noted for the record and will be considered by the Planning Commission and Board of Supervisors.

Finally, the comment mentions nitrogen deposition and the potential for pollutants to alter land and water and harm plants and animals. The comment suggests that an ecosystem based approach to air emissions is needed. Like the comment above, this comment is outside the scope of the Judgment and thus was not required to be addressed in the SREIR. However, as discussed above, the FEIR (2016) addressed many potential impacts to ecosystem health from runoff of pesticides, air emissions, stormwater, and other pollutants. The Forest Service map is noted for the record, but does not provide detailed information about potential impacts to any specific species of concern in the project are nor any feasible project impacts and thus no response is necessary. The comment's summary of the potential ecosystem impacts associated with deposition of sulfur, nitrogen, and mercury and the recommended use of ecological thresholds as described in *Setting Limits: Using Air Pollution Thresholds to Protect and Restore U.S. Ecosystems* (Fenn et al. 2011) is also noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. In regards to sulfur deposition, the same article notes that "acidifying deposition (or "acid rain") is caused by emissions to the atmosphere of sulfur dioxide (SO_2), nitrogen oxides (NO_x), and other acidifying compounds such as ammonia (NH_3)" and that "ecosystems in the western U.S. have not been greatly affected by acidification because acidifying deposition is relatively low in much of the region" (Fenn et al. 2011). In addition, regarding mercury impacts, the article notes that "as mercury sampling in lakes and rivers has expanded, the extent of water known to be impaired by mercury has increased" but "…these increases likely *do not reflect increases in Hg [mercury] deposition* [emphasis added], but rather increases in measurements documenting the widespread nature of mercury contamination" (Fenn et al. 2011). The largest source of both sulfur and mercury into the air is the burning of coal and other fossil fuels by power plants to generate electricity (EPA 2019a, 2019b). Other lesser sources of airborne sulfur include industrial processes such as extracting metal from ore and the burning of high-sulfur content diesel fuels (EPA 2019a). Other lesser sources of airborne mercury include burning mercury-containing oil, wood, and wastes (EPA 2019b). The project would not result in land uses that are considered typical sources of substantial airborne sulfur or mercury deposition. Notably, project-related on-road vehicles would result in an increase in NO_X, which has been attributed to nitrogen deposition in some ecosystems; however, with implementation of the DMC, project-generated emissions of NO_X (as well as ROG, PM_{10}, and $PM_{2.5}$) would be fully offset, as required by the County in 2016 in the 2016 EIR MM 4.3-4. Accordingly, net emissions of these pollutants would be reduced to zero within the San Joaquin Valley. Therefore, the project would not result in airborne deposition of nitrogen or the associated ecosystem impacts. The rest of the

comment, and its opinions therein, are noted for the record and will be considered by the Planning Commission and Board of Supervisors.

11-C: First, the Lead Agency notes that this comment is outside the scope of the Judgment that required the SREIR to be completed. Specifically, genetic flow and connectivity are unrelated to the project's potential traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts potentially caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016). The Court resolved all CEQA concerns pertaining to biological resources in favor of the County, including issues related to wildlife impacts and habitat connectivity. Per the Judgement, further analysis of this issue need not be addressed in the SREIR. Please see Response 11-B for further information regarding the limited scope of the SREIR.

With regard to this comment's concerns regarding habitat connectivity, as discussed in FEIR Global Response 8, following publication of the DEIR, the project's on-site open space was increased to 3,367 acres, and the total off-site mitigation was increased by 52 acres. The EIR's mitigation measures were revised to enhance the quality of mitigation land habitat and to improve monitoring and enforcement of wildlife protection measures. After these revisions to the project, and enhanced and improved mitigation measures, the project's capacity to preserve open space and habitat, and to mitigate potential impacts upon biological resources, is increased and improves wildlife passage in each of the corridor areas—creeks, southern open space and aqueduct corridors.

Specifically, with respect to the creek corridors, the multiuse trails were relocated further from the top of bank and moved to the EA District, generally 90 feet from the OA District. Further, per MM 4.4-1(h), fences will be required along the border of the multiuse trails and the creek to prevent human and pet trespass that might adversely affect wildlife movement. In addition, in response to some comments' concerns that the area does not support kit fox, the kit fox will use the transition zone, and the open space was enlarged to encompass the suitable habitat model mapped by Cypher et al. (2013). See revised corridor FEIR Figure 4.4-25. Also, in response to comments' concerns that the aqueduct corridor contained paved and lighted multiuse trails, the project relocated the multiuse trail to the EA District, between 300 and 700 feet from the California Aqueduct and requires fences to prevent trespass. Further, the project relocated the fenced detention basins outside of the OA District and required that the unfenced detention basins be set back 100 feet from the property line and revegetated and grazed. These changes and revised mitigation measures would also improve wildlife movement and habitat connectivity, further mitigating potential impacts on biological resources.

The California Aqueduct currently limits north-south wildlife movement through the project site. In addition, because active agricultural areas, oil and gas drilling locations, and existing development areas north of the project, the site does not serve as a habitat linkage connecting large, preserved open space habitat blocks north and south of the site. Grapevine Creek and a tributary to Cattle Creek likely serve to facilitate more localized and short-term wildlife movements at present, and would be expected to continue to do so upon project buildout, and on the western side of the project site, west of 1-5, north-south movement would be available within the buffer area protected by an existing conservation easement between the project site and the Wind Wolves Preserve.

With respect to east-west movement, I-5 currently limits such movement; however, the project site is identified as within part of an east-west habitat linkage considered by the Upland Species Recovery Plan (Dudek, 2016c) as critical to the long-term preservation and recovery of numerous special-status wildlife species known to occur in valley floor and lower foothill habitats, including San Joaquin kit fox and the three other focal species: Nelson's antelope squirrel, American badger, and blunt-nosed leopard lizard.

In the project area, east-west habitat linkages would be conserved in the southern valley floor/foothill transition zone and along the north and south sides of the California Aqueduct. In the southern transition zone, the majority of this habitat, particularly south of Edmonston Pumping Plant Road would be conserved in the project's proposed open space (Figure 4.4-18, *Habitat Linkages).* As discussed further below, the southern transition zone incorporates all the suitable kit fox habitat for movement based on the Cypher et al. (2013) habitat model (Figure 4.425, *Revised Zoning Districts and Wildlife Movement Map).* The conserved areas along the aqueduct and creeks are modeled habitat for San Joaquin kit fox (Figure 4.4-19, *Project Footprint and San Joaquin Kit Fox Suitable Habitat)* and are also part of an important regional habitat linkage for San Joaquin kit fox in the U.S. Fish and Wildlife Service's five-year review (Dudek, 2016c); Figure 4.4-20, *San Joaquin Kit Fox Habitat Linkages.* See Figure 4.4-25, *Revised Zoning Districts and Wildlife Movement Map* for revisions to the project corridors and open space.

The project's development area will remove the valley floor habitats within the planning areas, and the project's open space covers all of the southern foothills and transition zone along the northern and southern sides of Edmonston Pumping Plant Road and to the east and west of 1-5, as well as the valley floor corridors along the aqueduct corridors and Grapevine and Cattle Creek-2. Along the California Aqueduct, there is a minimum 100-foot buffer along the southern and northern sides of the aqueduct to facilitate wildlife movement within suitable kit fox habitat to the Grapevine Creek and Cattle Creek open space movement corridors. The off-site northern buffer area is 100 feet wide, covering 87 acres; on the southern side of the aqueduct on site, the corridor averages over 300 feet in width, including a minimum 100-foot setback from the property line. The Grapevine Creek corridor will generally exceed 1,000 feet across, with one existing and two new road crossings, and the Cattle Creek-2 corridor, which is not in mapped as high value kit fox habitat, will average 200 to 300 feet wide with one existing and two new road crossings.

The project is situated in a linkage area identified in the Uplands Recovery Plan and could have significant impacts on wildlife movement. The following measures would reduce those impacts. With respect to the southern transition zone, the open space incorporates all of the mapped suitable kit fox habitat and the OA District will be deed restricted, will prohibit paved or lighted trails, and will only allow access from dawn to dusk per Mitigation Measures MM 4.4-2. MM 4.4-1(h), and MM 4.4-9. While Plan Area 5b, located just south of Edmonston Pumping Plant Road could create a "bottleneck" for species associated with valley floor habitat such as blunt-nosed leopard lizard and Nelson's antelope squirrel, the open space areas in OA and EA Districts north/northwest of Plan Area 5b allows for wildlife movement to pass freely in a north-south direction to areas both east and west of Planning Area 5b (Figure 4.4-25, *Revised Zoning Districts and Wildlife Movement Map).* Furthermore, Plan Area 5b would be a low-density residential development with approximately 30 parcels designed to allow for permeability for wildlife movement through and/or around the parcel such that east-west movement along the valley floor/foothill transition area would be maintained. Additionally. San Joaquin kit fox would

continue to move along the project's proposed open space areas north of Edmonston Pumping Plant Road. Species use of the southern open space and transition zone is further protected by kit fox enhancement requirements in Mitigation Measure MM 4.4-1(i) and recreational and use restrictions, as well as monitoring and enforcement as provided in Mitigation Measures MM 4.4-8 and MM 4.4-11.

East-west wildlife movement would also be preserved along the California Aqueduct because the project would preserve these areas as open space suitable for species movement. The width of the open space band south of the aqueduct would be variable and would range from a minimum of approximately 230 feet to over 1,000 feet wide. The segment of open space along the California Aqueduct between I-5 and Grapevine Creek would have a width typically exceeding 700 feet. The width of the off-site open space band along the north side of the California Aqueduct will be protected by a conservation easement as provided in Mitigation Measure MM 4.4-2. The width of the on-site open space along the south side of the aqueduct will be protected by a deed restriction or other conservation instrument approved by the County per Mitigation Measure MM 4.4-2. Further, any unfenced detention basins would be set back at least 100 feet from the property line and, per Mitigation Measure 4.4-7, would be revegetated for grazing. No fenced basins would be permitted. Only unpaved, unlighted perpendicular trail/utility right-of-way would be permitted to cross this area.

Thus, this band of open space north and south of the California Aqueduct, as well as the adjacent California Aqueduct right-of-way, would continue to provide movement opportunities for the four focal species, should they occur in the project area, through the project site to effectively connect to and access the southern California Aqueduct/I-5 undercrossing and move into suitable open space habitats east and west of 1-5. Species moving across the valley floor/foothill habitat transition zone south of the project development footprint would be able to continue to access undeveloped lands west of 1-5 and northeast of the project site through the open space areas along the north and south sides of Edmonston Pumping Plant Road and the open space areas north of Planning Area 5b. Movement opportunities between open space lands east and west of I-5 would be provided by three I-5 crossing points south of the project development footprint, as well as along the California Aqueduct (Figure 4.4-25 *Revised Zoning Districts and Wildlife Movement Map).* The undercrossing of the California Aqueduct at I-5 would be suitable for all the focal species, and preservation of the open space band along the north and south sides of the aqueduct would ensure access to these crossings.

Open space along Grapevine Creek, which was largely mapped as highly suitable habitat for San Joaquin kit fox (Dudek, 2016c) and would be preserved. Grapevine Creek would remain available for wildlife movement along the creek. In addition to San Joaquin kit fox, large wildlife that may use Grapevine Creek for movement include more urban-tolerant species such as coyote, bobcat, and raccoon, as well as numerous smaller species. Grapevine Creek will be preserved in the OA District, with an open space transition in the EA District to further provide a buffer between the open space and development areas. Grapevine Creek would range from approximately 400 feet wide at its narrowest point at an arterial road crossing to over 1,000 feet wide. It will be protected in the OA District, and the EA District will be adjacent, providing a buffer area between the OA District and the planning area development. The multiuse trail will be in the EA District adjacent to the planning area and will include wildlife-friendly fencing along the corridors to prevent human trespass from the development per MM 4.4-1(h). No trails would be included in the creek corridors OA District. In addition to the existing crossing at

Edmonston Pumping Plant Road, two new road crossings are proposed in the central portion of the development; the width of the corridor at those locations would be 450, 400, feet and 790 feet, respectively, allowing for continued wildlife passage under the bridge spans. Otherwise, as noted above, the creek width would generally be more than 1,000 feet wide. Direct access to the north and the tunnel under I-5, as well as the foothills east of the I-5, would be maintained. There are numerous records for wildlife activity at these potential crossing points, including bobcat and coyote. The crossing points also include larger box culvert and smaller pipe culvert undercrossings of the California Aqueduct and the overpass at Pastoria Creek that provide different types of crossings for diverse species. Wildlife moving along Grapevine Creek would be able to directly access the aqueduct crossing at two locations, as well as the large east-west open space area south of the project's development footprint.

The tributary to Cattle Creek that trends to the northeast would be more constrained by adjacent development than Grapevine Creek. The width of open space along this tributary would range from approximately 150 feet wide to more than 400 feet wide, with typical widths between 200 and 300 feet. The same arterial crossings described above would span the Cattle Creek-2 corridor. Wildlife that are more tolerant of urban development, such as coyotes and raccoons, would likely continue to use the tributary. Bobcats may avoid this corridor due to disturbances such as noise, lighting, and dogs, especially given that they could alternatively move along the much wider Grapevine Creek and much more freely through undisturbed open space to the east, where most of their activity at the aqueduct crossings was recorded in 2013 (Dudek, 2016c). Smaller species such as rabbits (including cottontail and jackrabbits), skunks, and ground squirrels would continue to use this constrained corridor, especially if it contains at least scattered shrubs and other refuge sites. This tributary also would support blunt-nosed leopard lizard habitat (Dudek, 2016c).

These habitat connections would ultimately continue to serve as an east-west habitat linkage to large preserved habitat blocks east and west of the project, which, in turn, connect to other large habitat blocks and landscape linkages, thus continuing to allow for a regional landscape habitat linkage along the southern San Joaquin Valley floor/foothill interface. In total, wildlife movement that the Upland Species Recovery Plan considers a key priority to conservation and recovery of special-status species would be maintained. The configuration and preservation of valley floor and foothill edge habitats associated with the proposed project are consistent with the habitat preservation and landscape connectivity objectives of the Upland Species Recovery Plan (Dudek, 2016c).

Per Mitigation Measure MM 4.4-2, the OA District, including the southern transition zone, aqueduct corridor, and creek corridors, will be protected by a deed restriction or other conservation instrument approved by the County and the off-site mitigation area will be protected by a conservation easement. There is also an additional 100 feet of EA to transition between the OA District and proposed development. MM 4.4-2 also requires a conservation easement over the off-site northern aqueduct buffer. Thus, the valley habitat portions of this linkage would facilitate movement for blunt-nosed leopard lizard and Nelson's antelope squirrel, should they occur. The entire linkage would also facilitate movement by the American badger, another focal species used for project analysis. Species use of the open space in the on-site foothills transition zone, aqueduct, and creek corridor open space is further protected by kit fox enhancement requirements in Mitigation Measure MM 4.4-1(i) and recreational and use restrictions, as well as monitoring and enforcement, as provided in MM 4.4-8 and MM 4.4-11. Because of its geographic

location along the valley floor/foothill transition zone and adjacent to the project's open space area, the off-site mitigation areas per MM 4.4-2 would also contribute to the regional east-west landscape corridor by connecting large blocks of conserved lands within and adjacent to the Tejon Ranch property. With the implementation of mitigation measures, the project would reduce the impacts to wildlife movement to less than significant.

With regard to this comment's reference to the South Coast Missing Linkages Project (Penrod et al., 2003), it evaluated and modeled where the highest value habitat linkage would be expected to occur within the western Tehachapi Mountains for several focal species, including mountain lion. The results indicated that the highest value wildlife linkage within the western portion of Tejon Ranch was in the upper elevations of the ranch well to the south of the project (see Figure 9 in Penrod et al. 2003, Figure 4.4-18 in the TMV DEIR, and Figure 4.5-4 in the TMV BRTR). With the regard to wildlife connectivity on the valley floor in the vicinity of the project site, project design and required mitigation would reduce the project's potential impact on wildlife movement to a less than significant level, as discussed above.

11-D: First, the Lead Agency notes that this comment is outside the scope of the Judgment that required the SREIR to be completed. Please see Responses 11-B and 11-C regarding the limited scope of the SREIR, particularly with regard to biological resources.

This comment's opinion of the value of the Ranchwide Agreement's conservation area will be considered, but it is not consistent with the understanding of the agreement signatories, which include the Sierra Club, National Resources Defense Council, National Audubon Society, and Endangered Habitats League, and which agree that the conservation area's "natural resource values include an extraordinary diversity of native species and vegetation communities, numerous special status plant and animal species, intact watersheds and landscapes supporting natural ecosystem functions and regionally significant habitat connectivity" (TRC et al. 2008). The Ranchwide Agreement covers the entirety of Tejon Ranch and provides for the permanent preservation of over 90 percent of Tejon Ranch (approximately 240,000 acres) through a combination of donated and acquired conservation easements, and designated open space areas. The Ranchwide Agreement also designates areas for potential future development that would not be opposed by the signatories to the Ranchwide Agreement, are adjacent to major infrastructure, and are specifically sited to avoid significant impacts to biological resources and wildlife corridors. The Ranchwide Agreement's designated development areas include Tejon Mountain Village, Centennial (a project in Los Angeles County), and Grapevine. In the vicinity of the project site, approximately 87,136 acres of Tejon Ranch is in the San Joaquin Valley floor, including the adjacent foothills, and 74,094 acres (85 percent) have been identified for conservation and management as part of the Ranchwide Agreement. Although the Ranchwide Agreement does permit limited oil and gas and agricultural activities, they are generally restricted to the valley floor in areas with relatively low biological values, as compared to the balance of the Ranchwide Agreement's conservation area; are subject to best management practices that are required to be adaptively managed over time in accordance with the Ranchwide Management Plan; and—most significantly for purposes of this comment—are <u>not</u> part of the project.

As to potential cumulative air quality impacts from the project and other projects in the region, we note that the SREIR addresses cumulative impacts on air quality in Impact 4.3-6 on page 4.3-97 to 4.3-98, which found this impact significant and unavoidable as to cumulative emissions of ROG with implementation of MM 4.3-1 through 4.3-17. We further note that the FEIR (2016), which is incorporated into the SREIR, addresses cumulative impacts on biological resources in

Impact 4.4-135 on page 4.4-135, found that cumulative impacts would be significant and unavoidable, even with mitigation, because implementation of species conservation and permitting requirements rangewide is generally within the jurisdiction and control of other state and federal agencies (including, for example, the California Condor Recovery Plan), the County cannot ensure that cumulative impacts to biological resources are mitigated to a less than significant level. The cumulative analysis included the Tejon Mountain Village Specific Plan, the Tejon Ranch Centennial Project, and the Tejon Indian Casino Project. See SREIR Table 3-12 (Cumulative Projects List) in Section 3.6, page 3-90). As to potential cumulative air quality impacts from the project and other projects in the region, we note that the SREIR addresses cumulative impacts on air quality in Impact 4.3-6 on page 4.3-97 to 4.3-98, which found this impact significant and unavoidable as to cumulative emissions of ROG with implementation of MM 4.3-1 through 4.3-17. As discussed in Response 11-B, the potential for runoff from landscaping and sewer wastewater pollution to impact species and ecosystems was also addressed in the FEIR (2016) in Sections 4.4.4 (Biological Resources) and 4.9.4 (Hydrology and Water Quality). The project does not include new agricultural activities, septic systems, or oil and gas production.

Comment Letter 12: Plains All American Pipeline L.P., Pacific Pipeline System LLC (September 10, 2019)

PACIFIC PIPELINE SYSTEM LLC

Kern County Planning and Natural Resources Department
Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 350
Bakersfield, CA 93301-2323

September 10, 2019

RE: Draft Supplemental Recirculated Environmental Impact Report – Grapevine Specific and Community Plan by Tejon Ranchcorp (2019) (PP19169)

Dear Ms. Oviatt,

Thank you for the opportunity to comment on the above referenced project. Plains All American Pipeline, L.P., has reviewed the Draft Supplemental Recirculated Environmental Impact Report-PP19169 (DRSEIR) and other related documents prepared for public review. 12-A

Pacific Pipeline System LLC (PPS) owns and operates two crude oil pipelines, Line 63 and Line 2000 which are an integral part of our overall transportation system. Both Pipelines are primarily used to transfer crude oil received from producers in Kern County and throughout the United States into our facilities located in the LA Basin where it is stored and later delivered to our customers as requested. These pipelines support the operations at many major refineries in the LA Basin. Without the ability to move volumes through Line 63 and Line 2000, PPS would be unable to transport crude oil to our terminal system which could have an adverse effect on the operations of many California based refineries. 12-B

Below are specific comments to the Draft Environmental Impact Report.

Comments:

- *PPS requests a "protect-in-place plan" for our 16" and 20" pipelines located in the Grapevine Specific and Community Plan impact area. The Draft SEIR needs to evaluate this impact on the project. A figure depicting the approximate location of these lines is provided as an attachment to this notice. Further details can be provided as the project progresses.* 12-C
- *Access to our pipeline and valves will need to accommodate ingress / egress during the entire development project. PHMSA / State Fire Marshall regulations require access to active petroleum pipelines for Emergency Response to abnormal operating conditions.* 12-D
- *Customer curtailments may occur if operational upsets or damages are incurred on pipelines during construction activities or projects. Customers could encounter demurrage fees due to such curtailments, as this pipeline segment affects timely deliveries into local petroleum refinery operations.* 12-E

5900 CHERRY AVENUE, LONG BEACH, CALIFORNIA 90805-4408 (562) 728-2800 FAX (562) 728-2860

- *PPS requests vibration studies and calculations be performed in accordance with ASME standards. This will determine if the integrity of our pipelines are affected by the proposed construction activity.* **12-F**

- *Heavy equipment may be required for this project. Weight bearing calculations need to be performed to ensure equipment crossing or situated over our pipeline does not affect the pipes integrity.* **12-G**

In closing, PAALP wishes to stress that we need to maintain the current use of our Line 63 and Line 2000 and not have development encroach next to our pipeline easements that could impede our operations or result in degraded safety conditions for our lines or the adjacent developments. **12-H**

If you have any questions regarding the above observations/comments, please contact me at (661) 589-5377, or via mobile number (661) 204-8749 or by email at GAMears@paalp.com.

Sincerely,

Glen Mears

Glen Mears
Director of Environmental & Regulatory Compliance
Western Division
Plains All American Pipeline L.P.
Pacific Pipeline System LLC


L063 KELLEY TO TEJON 16"
L063 KELLEY TO TEJON 16"
L2000 EMDIO TO WILMINGTON - 20"
Edmonston Pumping Plant Rd
Legend
Pipelines
DOT Jurisdictional Pipelines
Retired Pipelines
N
W
E
S
0 0.35 0.7 1.4
Miles
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
This user generated map has been prepared from sources considered to be reliable. However, Plains Pipeline L.P. hasfurnished this copy for information only and assumes no responsibility for the accuracy or completeness of data shown.
PLAINS ALL AMERICAN PIPELINE, L.P.
Grapevine Tejon Ranchcorp Plan
Kern County
Scale: 1:36,112
SEIR
Sheet No.: 1/1
Date: 5/8/2019 Created By: Author: William D Senner

Response to Comment Letter 12: Plains All American Pipeline L.P., Pacific Pipeline System LLC (September 10, 2019)

12-A: Thank you for your comment and participation in this public process. This introductory comment does not address the adequacy of the SREIR, and no further response is required. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

12-B: This comment provides information regarding two crude oil pipelines owned and operated by the Pacific Pipeline System, LLC. It does not address the adequacy of the SREIR, and no further response is required. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

12-C: This comment requests that Pacific Pipeline Systems, LLC's pipelines be protected in place, and asserts that project impacts on the pipelines must be evaluated in the SREIR. The Lead Agency notes that the issue identified for analysis in the comment falls outside the scope of the limited CEQA review covered by the SREIR.

The Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 2017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

Here, the issue identified for analysis in the comment falls outside the scope of the limited CEQA review required by the Judgement. Specifically, all project environmental effects associated with potential development conflicts with existing pipelines were addressed in the FEIR (2016) and all determinations related to such analysis were unaffected by the Judgement. As discussed above, the Court resolved all CEQA concerns pertaining to potential development conflicts with

existing pipelines in favor of the County and, per the Judgement, further analysis of this issue need not be addressed in the SREIR.

However, the Lead Agency provides the following substantive response to this comment for informational purposes only. As noted in the SREIR, the California State Fire Marshall administers regulatory and enforcement authority over intrastate crude oil, petroleum product, and other hazardous liquid pipelines under California Government Code Sections 51010-51019.144. (SREIR, page 4.8-27). Government Code Section 51014.6 protects pipeline easements, including by prohibiting the construction of any structure or improvement in or that would impede access to the easement, while also protecting the pipeline owner's ability to access and use the easement area for necessary activities. The project is also subject to local requirements applicable to oil and gas facilities. Project construction and operation will not negatively affect pipelines operations. The project will comply with all regulatory and enforcement requirements related to crude oil pipelines, and a specific plan with regard to Pacific Pipeline Systems, LLC's pipelines is unnecessary. Compliance with existing requirements ensures avoidance of impacts, and no further response is required.

12-D: The Lead Agency notes that the issue identified for analysis in the comment falls outside the scope of the limited CEQA review covered by the SREIR. See Response 12-C for further discussion regarding the scope of review.

However, the Lead Agency provides the following substantive response to this comment for informational purposes only. As noted in the SREIR, the California State Fire Marshall administers regulatory and enforcement authority over intrastate crude oil, petroleum product, and other hazardous liquid pipelines under California Government Code Sections 51010-51019.144. (SREIR, page 4.8-27). Project construction and operation will not affect pipelines operations or access—the project will comply with all regulatory and enforcement requirements. Compliance with existing requirements and the SREIR will ensure avoidance of impacts, and no further response is required.

12-E: The Lead Agency notes that the issue identified for analysis in the comment falls outside the scope of the limited CEQA review covered by the SREIR. See Response 12-C for further discussion regarding the scope of review.

However, the Lead Agency provides the following substantive response to this comment for informational purposes only. As noted in the SREIR, the California State Fire Marshall administers regulatory and enforcement authority over intrastate crude oil, petroleum product, and other hazardous liquid pipelines under California Government Code Sections 51010-51019.144. (SREIR, page 4.8-27). Project construction and operation will not affect pipeline operations or access—the project will comply with all regulatory and enforcement requirements. Compliance with existing requirements and the SREIR will ensure avoidance of impacts, and no further response is required.

12-F: The Lead Agency notes that the issue identified for analysis in the comment falls outside the scope of the limited CEQA review covered by the SREIR. See Response 12-C for further discussion regarding the scope of review.

However, the Lead Agency provides the following substantive response to this comment for informational purposes only. As explained in the SREIR, land uses in which ground-borne vibration could potentially interfere with operations or equipment, such as research, manufacturing, hospitals, and university research operations are considered "vibration-sensitive"

(SREIR, page 4.12-9). There are no known "vibration-sensitive" land uses within 15 miles of the project site (Id., page 4.12-10). The project complies with all regulatory requirements for oil pipelines, and compliance with these requirements will ensure less than significant impacts, including with regard to vibration.

12-G: The Lead Agency notes that the issue identified for analysis in the comment falls outside the scope of the limited CEQA review covered by the SREIR. See Response 12-C for further discussion regarding the scope of review.

However, the Lead Agency provides the following substantive response to this comment for informational purposes only. As noted in the SREIR, the California State Fire Marshall administers regulatory and enforcement authority over intrastate crude oil, petroleum product, and other hazardous liquid pipelines under California Government Code Sections 51010-51019.144 (SREIR, page 4.8-27). Project construction and operation will not affect pipeline operations or access—the project will comply with all regulatory and enforcement requirements. Compliance with existing requirements ensures avoidance of impacts, and no further response is required.

12-H: The Lead Agency notes that the issue identified for analysis in the comment falls outside the scope of the limited CEQA review covered by the SREIR. See Response 12-C for further discussion regarding the scope of review.

However, the Lead Agency provides the following substantive response to this comment for informational purposes only. As noted in the SREIR, the California State Fire Marshall administers regulatory and enforcement authority over intrastate crude oil, petroleum product, and other hazardous liquid pipelines under California Government Code Sections 51010-51019.144. (SREIR, page 4.8-27). Project construction and operation will not negatively affect pipeline operations or access—the project will comply with all regulatory and enforcement requirements. Compliance with existing requirements ensures avoidance of impacts, and no further response is required.

Comment Letter 13A: Kathleen Weinstein (October 13, 2019)

Ronelle Candia

From: Kathleen Weinstein <kimthebow@yahoo.com>
Sent: Sunday, October 13, 2019 8:26 PM
To: Cindi Hoover
Subject: Grapevine

I cannot answer in legal and scientific lingo.

It doesn't take a scientist to evaluate the poor air quality in the Central Valley. You can look at it. You can measure it in childhood asthma in Bakersfield.

13A-A

The three communities planned by Tejon Ranch Corp. will significantly add to an already bad situation. While some see jobs in a county that needs jobs and housing in a county that needs housing, these communities are not the answer.

You are offering no viable solutions. The Tejon Ranch Corp. doesn't care about the quality of life in these communities as long as they can sell lots. Kern and Los Angeles Counties also see revenue as a driver.

The Tejon Ranch is a treasure. It is old California. It serves as a wildlife corridor. It is where four ecological systems meet. It should be a national park.

And there is not enough water for everyone.

Kathleen Weinstein

1

Comment Letter 13B: Kathleen Weinstein (October 14, 2019)

Ronelle Candia

From: kweinstein884@gmail.com
Sent: Monday, October 14, 2019 12:24 PM
To: Cindi Hoover
Subject: Addendum to Grapevine comment

Grapevine is being built to accommodate workers at the upcoming industrial/ casino/ retail complex.

You are working on the premise that "if you build it they will come." Will they?
Jobs are vital but do we want the air quality of China in supporting commerce? If we remain shortsighted about our environment, there may not be a future for our grandchildren worth having. **13B-A**

Kathleen Weinstein

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Response to Comment Letter 13A: Kathleen Weinstein (October 13, 2019)

13A-A: Thank you for your comment and your participation in this public process. This comment's objections to the project will be provided to the Planning Commission and Board of Supervisors for consideration. The Kern County Board of Supervisors unanimously approved the project and certified the FEIR (2016) on December 6, 2016. On January 5, 3017, a lawsuit alleging that several substantive sections of the FEIR (2016) failed to comply with CEQA was filed in Kern County Superior Court. On February 15, 2019, the Court issued a Writ of Mandate and a Judgement upholding the FEIR (2016) against all of the claims brought in the lawsuit except for the analysis of potential "significant adverse effects to traffic, air pollution, greenhouse gases, noise, public health and growth inducing impacts" that could occur if the project's ICR was lower than analyzed in the FEIR (2016). If fewer vehicular trips than anticipated occurred within the project site and the adjacent Tejon Ranch Commerce Center ("internal trips"), this could result in potentially adverse traffic, air quality, greenhouse gas, noise, hazard, and growth inducing impacts caused by longer trips and higher vehicle miles traveled. The Court directed that these potential impacts be further analyzed.

The Court's judgement expressly states that the County "is not required to start the EIR process anew" and "need only correct the deficiencies in the EIR that the Court has identified before considering recertification." The Judgement is in consistent with controlling caselaw, which provides that the doctrine of *res judicata* prohibits re-litigation of CEQA claims that were, or could have been, previously adjudicated, and holds that a Lead Agency is not required to revisit CEQA issues that were previously adjudicated in favor of the Lead Agency. See, e.g., *Ione Valley Land, Air, and Water Defense Alliance v. County of Amador* (2019) 33 Cal.App.5th 165; see also *Atwell v. City of Rohnert Park* (2018) 27 Cal.App.5th 692. Thus, per the Judgement, the SREIR is only required to evaluate potentially adverse traffic, air pollution, greenhouse gas, noise, public health and growth inducing impacts, and only to the extent such impacts would be caused by higher project-generated vehicle miles traveled than were otherwise analyzed in the FEIR (2016).

With regard to water supply and biological resources specifically, all CEQA concerns related to these issues were resolved by the court in favor of the County. However, the Lead Agency notes that the project's potential impacts on water supply and biological resources are analyzed in DEIR Section 4.17, *Utilities and Service Systems*, and in DEIR Section 4.4, *Biological Resources*. SREIR Section 4.3, *Air Quality* (pages 4.3-91 through 4.3-97) analyzes the project's potential to expose sensitive receptors to substantial pollutant concentrations and determined that, with implementation of mitigation measures MM 4.3-6 and MM 4.3-7, this impact would be less than significant.

Response to Comment Letter 13B: Kathleen Weinstein (October 14, 2019)

13B-A: Thank you for your comment and your participation in this public process. This comment will be provided to the Planning Commission and Board of Supervisors for consideration. With regard to air quality specifically, please see SREIR Section 4.3 Air Quality for further information regarding impacts and mitigation incorporated to reduce impacts to the extent feasible.

Comment Letter 14: Janine Tominaga (September 14, 2019)

From: J Tominaga
To: Cindi Hoover
Subject: Grapevine -- Public comment EIR
Date: Saturday, September 14, 2019 11:02:29 AM

Greetings Ms Hoover,

This is in reference to the Public Comment part for the proposed Grapevine community.

My hope is that you will make sure there will be a diligent,
thorough study to ensure that the precious
I 5 will not be impacted by additional traffic.
As we all know this is a crucial transportation artery which has already had an increase in traffic due to the Tejon Industrial Complex and the Outlet Malls. **14-A**

Best regards,

Janine Tominaga
Property Owner,
Frazier Park, CA

Response to Comment Letter 14: Janine Tominaga (September 14, 2019)

14-A: Thank you for your comment and your participation in this public process. The Lead Agency has thoroughly and appropriately analyzed potential traffic impacts resulting from the project, including with regard to I-5. Please see SREIR Section 4.16, *Transportation and Traffic*, for further information. This comment is noted and will be provided to the Planning Commission and Board of Supervisors for consideration.

7.5 Response to Comments Bibliography

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