

INFORMATION SHEET

INFORMATION SHEET- ORDER No. R5-2011-XXXX
TEJON MOUNTAIN VILLAGE, LLC
TEJON MOUNTAIN VILLAGE
KERN COUNTY

On 16 November 2009, Tejon Mountain Village, LLC submitted a Report of Waste Discharge (RWD) for proposed discharge of fill to waters of the State, and discharge of storm water related to construction activities to waters of the State resulting from the to development of a 26,417 acres mountain resort community, Tejon Mountain Village (Project) in southwestern Kern County near the community of Lebec, on a portion of Tejon Ranch that is currently used for cattle grazing and hunting. The Project will include up to 3,450 homes, commercial areas, a hotel/spa, two golf courses, riding and hiking trail, an equestrian facility, a fire station, private community centers, and utilities, and will require installation of roads and infrastructure to serve the project needs. Development will be restricted to a 5,082 acre building area with the remaining 21,335 acres being preserved as rangeland and open space.

The Project area currently contains oak savannahs and woodlands, chaparral, grasslands, and riparian habitats, and much of the area has been altered from its natural condition by decades of ranching and farming and disturbance from a non-native pig population. The area contains over 200 miles of paved and unpaved roads developed over the years to facilitate ranching activities and to provide access to various utility easements crossing the area, including the California Aqueduct, major electrical transmission lines, gas lines, and telecommunication lines. The development plan will use many of the existing roads.

Avoidance of impacts to waters of the State, including wetlands and riparian areas, was a primary planning consideration in establishing the location of land uses and infrastructure within the Project. Due to the effort in avoiding and minimizing impacts to waters of the State, the project avoids impacts to 202.9 acres, or 97% of the on-site waters of the State, including 116.2 acres of wetlands/riparian, and 86.7 acres unvegetated streambed, within the project boundaries. Overall, on Tejon Ranch, the lands to the north, south, and east of the Project site are owned by Tejon Ranch Company (Ranch) and are primarily used for ranching and hunting. In 2008, the Ranch entered into a Conservation and Land Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, the Natural Resources Defense Council, the Planning and Conservation League, the Sierra Club (collectively Resource Organizations), and the newly formed nonprofit Tejon Ranch Conservancy (Conservancy). The Ranchwide Agreement sets the process for conservation of 240,000 acres (90%) of Tejon Ranch and establishes and funds the Conservancy to develop and implement a Ranchwide management plan to restore and enhance the conserved land. Under the Ranchwide Agreement, 178,000 acres of the 240,000 acres was designated as conserved open space area. In November 2010, the Conservancy secured state funding to purchase conservation easements on the additional 62,000 acres with grant funding provided by the Wildlife Conservation

Board. Therefore, 240,000 acres of Tejon Ranch will be conserved adjacent to and within the vicinity of the Project.

Historically, subdivision development consisted of mass grading and leveling of large areas of land, exposing soil to the erosive effects of rainfall and wind, and increasing the potential for significant sediment discharge from the site to surface waters. Modification of the vegetation and soil characteristics, altering the terrain, and introducing impervious surfaces such as pavement and buildings resulted in modification of the natural watershed and stream processes. The Project has been planned to disturb as little of the land surface as possible by fitting development to the existing terrain and grading as little as necessary. It is designed to preserve and integrate the natural environment and historic land use patterns in large, contiguous open spaces in conjunction with a smaller residential and resort community. Development is planned to avoid natural drainages and wetland areas and to maintain the pre-development hydrology of the site through use of low impact development techniques including an extensive system of vegetative swales, basins, and landscape source controls to protect surface water quality.

Portions of the Project drain to Castac Lake, an alkali lake almost entirely surrounded by the Project and are subject to regulation under Section 404/401 of the Clean Water Act for dredge or fill of waters of the U.S. and the NPDES storm water program. The remainder of the Project is located in areas that drain to waters that have been determined by the Army Corps of Engineers to be isolated, non-navigable waterbodies, and therefore, not considered waters of the U.S., and therefore, not eligible for regulation under the NPDES storm water program or Section 404/401 of the Clean Water Act. This makes it necessary to regulate storm water discharges associated with construction activity and fill activities to waters of the State with this proposed Order.

The prohibitions in the Order are largely based on prohibitions in the Basin Plan or parts of the California Code of Regulations and California Water Code that restrict discharges to those proposed by the discharger and evaluated by and authorized by the regional boards. The numeric action level of 250 NTU for turbidity in storm water discharges associated with construction activity was established by the *State Water Resources Control Board Order No. 2009-0009-DWQ [As Amended By Order No. 2010-0014-DWQ], National Pollutant Discharge Elimination System General Permit No. CAS000002, Waste Discharge Requirements For Discharges Of Storm Water Runoff Associated With Construction And Land Disturbance Activities (Construction General Permit)*. Discharge specifications in the proposed Order are largely designed to ensure discharges meet the water quality objectives listed in the Basin Plan or to ensure the Discharger implements measures it proposed to protect water quality. Receiving Water Limits are based on the water quality objectives in the Basin

Plan. Monitoring and reporting requirements and SWPPP requirements in the proposed Order are also similar to the requirements in the Construction General Permit and to the reporting and monitoring requirements normally included in a 401 Water Quality Certification issued by the Central Valley Water Board. Inclusion of Low Impact Development requirements are also based on Construction General Permit requirements.

To comply with the goals of the California Wetlands Conservation Policy, which include ensuring “no overall loss” and achieving a “...long-term net gain in the quantity, quality, and permanence of wetland acreage and values,” Tejon Mountain Village LLC is proposing to mitigate permanent impacts to unvegetated channel and marsh/grassland jurisdictional areas at a 1:1 ratio. Permanent impacts to riparian forest and woodlands will be mitigated at a 3:1 ratio. Temporary impacts will be mitigated at a 1:1 ratio by restoring the temporarily impacted habitat after construction. However, an additional 9.00 acres of enhancement of marsh/grasslands jurisdictional areas will occur to mitigate for the temporary impacts in the Pastoria Canyon watershed. In summary, temporary and permanent impacts to 9.61 acres of waters of the State will be mitigated by the establishment, enhancement, and restoration of 19.49 acres, which is an average 2:1 mitigation ratio overall.

The mitigation ratios applied for permanently impacted waters are consistent with the U.S. Army Corps of Engineers' (ACOE) and the Environmental Protection Agency's Compensatory Mitigation for Losses of Aquatic Resources, Final Rule (73 FR 19594-19705) to provide permittee-responsible compensatory mitigation of "no net loss" of wetland acreage and function. Lower ratios are used for impacts to jurisdictional areas that have the capacity to quickly establish the replacement functions and services lost. Likewise, higher ratios are used for impacts to jurisdictional areas that may be subject to a temporal loss of functions and services due to the amount of time required to establish the physical and biotic structure that was previously provided by the lost aquatic resource. The 1:1 mitigation ratio proposed for unvegetated stream channels and marsh and grassland impacts is based on the rationale that the functions and services of such resources can be replaced within a short time frame (e.g., less than 1 year), without significant temporal loss. Long-term success is ensured through proper design and adaptive management. Tejon Mountain Village LLC submitted a draft wetland mitigation and monitoring plan which includes a functional assessment of the proposed mitigation areas and demonstrates that implementation of the plan will result in a net increase in aquatic resources. The proposed Order will require implementation of the mitigation plan.

Tejon Mountain Village LLC has proposed many mitigation measures included in this proposed Order to insure protection of water quality during development of the Project. The measures, an antidegradation analysis and best practicable treatment or control are discussed in detail in the Order. Maintaining compliance with this Order will result in compliance with the antidegradation analysis.