

Date: June 7, 2008

To: Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Assemblymember Pedro Nava
P.O. Box 942849
Sacramento, CA 94249

Kern County Board of Supervisors
1115 Truxtun Ave., 5th floor
Bakersfield, CA 93301

Ken McDermond
Deputy Regional Director, California Nevada Region
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

Re: Tejon Ranch Conservation Agreement: A Tragedy for Condors

Dear Sir(s) and Madam(s):

At a press conference on May 8, several environmental organizations celebrated a deal with the Tejon Ranch Company that calls for permanent protection of large amounts of open space in exchange for a pledge from the organizations to not oppose Tejon's proposed housing developments. But although they called the agreement a "great conservation achievement," these organizations neglected to mention that one of the residential developments, Tejon Mountain Village, would place thousands of dwellings in the heart of officially designated "Critical Habitat" for the endangered California Condor.

As former and present participants in the condor conservation program we are firmly opposed to any development proposals for condor Critical Habitat, and we know of no evidence to support claims that the recent agreement is generally endorsed by condor experts. In fact, the agreement is almost uniformly opposed by condor experts who are independent of compensation from Tejon Ranch. Proponents have misrepresented the agreement by not revealing these negative aspects to the public, a problem we try to remedy here.

If built, this development would result in substantial harm to condors, posing a significant threat to the recovery of this well known and highly revered species. That any environmental organization might agree to such consequences is alarming and raises troubling questions about how the recent agreement was reached.

Critical Habitat, established on the Tejon Ranch in 1976, is the highest level of federal protection given to areas most crucial for endangered species and is designed to prevent significant degradation of these areas. The lands involved were a major focus for foraging and roosting activities and served as a hub for movements of condors throughout their range.

The recovering condor population is again occupying Critical Habitat on Tejon with frequency, and it is questionable that a fully satisfactory recovery of the species can be achieved in its historic range if significant degradation of these lands is allowed. Condors are sensitive to many direct and indirect threats from human activities and they uniformly avoided urban and suburban areas in historical times. A major housing development in the heart of one of their most important use areas simply should not be permitted.

Incredibly, private environmental organizations with no special authority and with very limited experience with condor issues have now agreed to a deal that would allow substantial residential development of condor Critical Habitat. Sadly this deal was based on secret negotiations from which virtually all experienced condor experts were excluded. This is the worst sort of deal-making imaginable, particularly for a species that has become a public trust.

The lands sacrificed in this agreement are of major and likely irreplaceable value to condor conservation, while many of the lands slated for protection have not normally been used by condors and likely will never be of importance to condors. Furthermore, many of the protected lands would likely never be developed because of steep terrain and other practical problems.

Unfortunately, in their eagerness to protect such lands a few well-meaning organizations have become parties to a major threat to condor conservation. They seem not to recognize that the price being paid for formal protection of undeveloped lands, some of them undevelopable, represent a huge net loss for conservation.

Critical Habitat designation has the force of law and deserves the respect and support of

all parties, including land owners, governmental agencies, and environmental organizations. The recently announced plans are fundamentally inconsistent with Critical Habitat protection for the condor. If implemented, they would set a precedent for disregard of Critical Habitat protection for many other endangered species, a precedent with far-reaching and potentially disastrous consequences.

Tejon has many developable areas that lie outside Critical Habitat for condors, and surely the ranch could restrict its development plans to such locations if it were serious about its support of condor conservation. Unfortunately, such support has been in doubt since Tejon sued the U.S. Fish and Wildlife Service in the mid 1990s to remove endangered species protection from released condors and to prevent condor restoration efforts in the vicinity of the ranch. The lawsuit failed in the first respect but succeeded in the second, and no releases have been conducted in the near vicinity of Tejon.

The importance of Critical Habitat on Tejon Ranch to the California Condor has been repeatedly recognized in historical USFWS and CDFG documents and official statements, and has not diminished today. Some examples follow:

It is the opinion of the recovery team that the condor's survival would be severely jeopardized by any major change in the use and/or management of the core portion of the Tejon Ranch (U.S. Fish and Wildlife Service 1979)

The condor will not survive without Tejon (in litt., U.S. Fish and Wildlife Service, November 10, 1971)

...the ranch is one of the most important links in the preservation of this endangered species (in litt., California Department of Fish and Game, May 21, 1979)

[Tejon Ranch]...is essential to condor survival and without it value of the Sespe area would be questionable (U.S. Fish and Wildlife Service 1972)

The future of the California condor could hinge on maintaining the Tejon Ranch habitat (U.S. Fish and Wildlife Service 1972)

It would be disastrous to have any major new developments very far inside the red line [central portion of the Tehachapi Mountains] (in litt., U.S. Fish and Wildlife Service, June 7, 1979)

I am mainly concerned about permanent or long term disturbances, or major changes in the level of human activities. Homesites or ongoing mining activities, for example, I feel would be incompatible with proper condor management (in litt., U.S. Fish and Wildlife Service, June 7, 1979)

Allowing Tejon Mountain Village to be built in condor Critical Habitat would represent a victory only for unnecessary trophy-home development in the wrong place. This

development would be a sad defeat for a species in which society has invested tremendous conservation resources, and an even worse defeat for the future of Critical Habitat protection for all endangered species.

These are no grounds for celebration.

Sincerely,

Dr. Noel F. R. Snyder

USFWS biologist in charge of condor field studies 1980-1986, member of Condor Recovery Team 1980-1985

P.O. Box 189

Portal, AZ 85632

(520) 558-2413

David A. Clendenen

Condor researcher and USFWS lead biologist for condors 1982-1997, member of Condor Recovery Team 1995-2000

Janet A. Hamber

Condor biologist, Santa Barbara Museum of Natural History, 1976-present

Dr. Eric V. Johnson

Field condor researcher, Cal Poly San Luis Obispo, 1978-1986

Dr. Allan Mee

Postdoctoral condor researcher for Zoological Society of San Diego 2001-2006

Dr. Vicky J. Meretsky

Field biologist, Condor Research Center 1984-1986

Bruce K. Palmer

USFWS California Condor Recovery Program Coordinator 2000-2004

Anthony Prieto

Co-founder of Project Gutzwiller and condor field biologist 1999-present

Dr. Arthur C. Risser, Jr.

Condor Recovery Team member 1980-1985

Fred C. Sibley

USFWS biologist in charge of condor field studies 1966-1969

William D. Toone

Condor Recovery Team member 1984-1992