



# HIGH DESERT HUNT CLUB AT TEJON

## Lead Ammunition Ban and Protection of the California Condor Notice, Acknowledgement and Agreement

### IMPORTANT NOTICE

**THE POSSESSION ON PERMITTEE'S PERSON OR IN PERMITTEE'S CONVEYANCE, OR THE USE OR ATTEMPTED USE, OF AMMUNITION CONTAINING LEAD WHETHER OR NOT ACCOMPANIED BY A FIREARM CAPABLE OF FIRING SUCH AMMUNITION, IS STRICTLY PROHIBITED BY TEJON RANCHCORP AND THE STATE OF CALIFORNIA WHILE ON TEJON RANCH.**

**VIOLATION OF THESE RULES WILL RESULT IN PERMITTEE'S IMMEDIATE EJECTION FROM TEJON RANCH AND PERMANENT TERMINATION OF ALL OF PERMITTEE'S FUTURE HUNTING PRIVILEGES, WITH NO REFUND OF ANY DUES OR FEES. PERMITTEE SHALL FULLY DEFEND AND INDEMNIFY TEJON RANCHCORP AGAINST ANY CLAIMS OR CAUSES OF ACTION IN ANY MANNER RELATED TO PERMITTEE'S FAILURE TO COMPLY WITH THIS RESTRICTION. FURTHER, TEJON RANCHCORP SHALL HAVE THE RIGHT TO PURSUE ALL AVAILABLE LEGAL AND EQUITABLE REMEDIES AGAINST PERMITTEE IN BOTH CIVIL AND CRIMINAL VENUES, EXCLUSIVE OF ANY REMEDIES SOUGHT BY APPLICABLE STATE AND FEDERAL AUTHORITIES IN CONNECTION WITH SAME.**

The undersigned ("Permittee") agrees that access to Tejon Ranch (the "Ranch") is conditioned on Permittee's acknowledgements and agreements contained in this Notice, Acknowledgement and Agreement Relating to the Lead Ammunition Ban and the Protection of the California Condor ("Notice"), the violation of which will trigger the remedies referenced herein:

1. Effective January 1, 2008, Tejon Ranchcorp (the "Company") banned the possession of lead ammunition on the Ranch. The possession and use of lead ammunition even if not accompanied by a firearm capable of firing such ammunition, while on the Ranch is strictly prohibited. This ban was voluntarily initiated by the Company to promote the protection of the California condor, eagles and other wildlife, and to assist in the reduction of lead in the food and water chain and supply. The California condor is an endangered species under, and protected by, the Federal Endangered Species Act ("ESA"), Migratory Bird Treaties Act ("MBTA") and related State laws.

2. Effective July 1, 2008, the State of California banned the possession and use of lead ammunition accompanied by firearms capable of firing such ammunition, while hunting deer, bear, wild pig, elk, pronghorn antelope, coyote, ground squirrels and other nongame wildlife, in areas designated as California condor range. Those designated areas include the entirety of the Ranch.

In addition, in consultation with the U.S. Fish and Wildlife Service ("FWS"), the Company has finalized the Tehachapi Upland Multiple Species Habitat Conservation Plan ("HCP") and entered into the Implementation Agreement therefor with the FWS. The HCP and its Implementing Agreement provide for the protection of the endangered California condor and 33 other endangered or threatened species listed on Attachment 1.

3. Permittee acknowledges and agrees that the following duties under the ESA and the MBTA and the penalties for violation thereof apply to Permittee while hunting on the Ranch, and specifically apply to any encounter with a California condor:

- a. Under the MBTA, Permittee cannot shoot at any bird of prey, and under the ESA, Permittee cannot "take" any endangered species, including a California condor. "To take" an endangered species is defined under the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect," an

endangered species, or “to attempt to engage” in any such activities. To ensure protection of the species protected under the ESA and the MBTA and Permittee’s compliance therewith, Permittee is strictly forbidden from shooting at or in the direction of any bird while on the Ranch, regardless of whether a bird is actually of a protected species.

- b. Permittee is strictly prohibited from harming, or communicating with, verbally or with a call, approaching, feeding, shooting, or attempting to in any other way interact with a bird on the Ranch. These restrictions apply whether or not a bird might welcome Permittee’s interaction.
  - c. Permittee acknowledges the potential for severe penalties under the ESA and MBTA for violation of these laws, including significant civil and criminal monetary fines, and significant prison time. A criminal conviction does not require proof that the hunter intended to violate the law; only that he/she engaged in the activity that resulted in the violation. The only violation for the shooting of a California condor on the Ranch was prosecuted under the MBTA. The prosecution resulted in a \$20,000 fine, loss of the weapon and permanent loss of hunting privileges on the Ranch. Notably, these penalties were imposed on a hunter who claims he did not know he was shooting a California condor.
4. Permittee agrees to do everything possible to avoid contact and interaction with a California condor. If Permittee encounters a California condor while on a guided hunt, Permittee must immediately notify the guide of the presence of a California condor and strictly adhere to the guide's instruction. If Permittee encounters a California Condor while on a non-guided hunt, Permittee must immediately call Tejon personnel for assistance and instructions. You have been provided a hunter card with a list of knowledgeable Tejon employees and their contact numbers. They should be called in the order appearing on the card.

5. Permittee acknowledges and agrees that, in addition to civil and criminal liability under the ESA and the MBTA, Permittee will be subject to the following rights and liabilities by and to the Company in the event Permittee fails to comply with the terms of this Notice:

- a. Permittee will be immediately ejected from the Ranch, with no refund of fees;
- b. All of Permittee's future hunting privileges will be permanently terminated, with no refund of fees.
- c. Permittee will be liable to the Company and the State and Federal governments for all available legal and equitable remedies, civil and criminal, including full defense and indemnification obligations to the Company as provided in the General Access Permit.

By his/her signature below, Permittee affirms Permittee’s understanding of the foregoing and agrees to strictly adhere to the restrictions set forth herein.

Permittee: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT 1

In addition to the plants and animals listed below, the reader should also know that all native bird species are protected under the MBTA

- California condor (*Gymnogyps californianus*)
- Mountain Lion (*Felis Concolor*)
- Least Bell's vireo (*Vireo bellii pusillus*)
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Valley elderberry longhorn beetle (*Democerus californicus dimorphus*)
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
- Tehachapi slender salamander (*Batrachoseps stebbinsi*)
- Bald eagle (*Haliaeetus leucocephalus*)
- American peregrine falcon (*Falco peregrines anatum*)
- Little willow flycatcher (*Empidonax traillii brewsteri*)
- Golden eagle (*Aquila chrysaetos*)
- White-tailed kite (*Elanus leucorux*)
- Ringtail (*Bassariscus astutus*)
- Tricolored blackbird (*Agelaius tricolor*)
- California spotted owl (*Strix occidentalis occidentalis*)
- Tehachapi pocket mouse (*Perognathus alticolus inexpectatus*)
- Burrowing owl (*Athene cunicularia*)
- Yellow-blotched salamander (*Ensatina eschscholtzi croceater*)
- Western spadefoot (*Spea hammondi*)
- Purple martin (*Progne subis*)
- Northern goshawk (*Accipiter gentalis*)
- Coast horned lizard (*frontale and blainvilli populations*) (*Phrynosoma coronatum*)
- Cooper's hawk (*Accipiter cooperii*)
- Yellow-breasted chat (*Icteria virens*)
- Prairie falcon (*Falco mexicanus*)
- Northern harrier (*Circus cyaneus*)
- Long-eared owl (*Asio otus*)
- Two-striped garter snake (*Thamnophis hammondi*)
- Round-leaved filaree (*Erodium macrophyllum*)
- Fort Tejon woolly sunflower (*Eriophyllum lanatum var. hallii*)
- Kusche's sandwort (*Amenaria macradenia var. kuschei*)
- Tehachapi buckwheat (*Eriogonum callistum*)
- American badger (*Taxidea taxus*)
- Striped adobe lily (*Fritillaria striata*)
- Tejon poppy (*Eschscholzia lemmonii ssp. Kernensis*)
- Red Fox (*Vulpes Vulpes*)
- Blunt Nosed Leopard Lizard (*Gambelia Sila*)