

CHAPTER 7

GLOSSARY

Action Area: The geographic area addressed for the purposes of analysis in the Tribal HCP, including (1) 30,655 acres of the Reservation outside of Federal ownership; (2) 5,400 acres of off-Reservation lands owned by or held in trust for the Tribe; (3) 5,989 acres of BLM lands within the BLM Exchange Areas on and off the Reservation; and (4) 52,180 acres of off-Reservation lands within the Target Acquisition Areas.

Adaptive Management: The incorporation of the scientific method into the management process to reduce management uncertainty. Specifically, it is the formal integration of hypothesis testing and management action, with the purpose of achieving stated management objectives. The process proceeds iteratively, with the results of management decisions used to guide the support or rejection of previous hypotheses, and the updated hypotheses in turn direct future management actions (Lancia et al. 1996).

Allotted Trust Land: Land held by the United States government in trust for the benefit of one or more tribal member(s) and/or their successors.

Annual Work Plan: Document to be developed by the Department and adopted by the Tribal Council each year that specifies the Habitat Preserve management and other Tribal conservation activities to be undertaken pursuant to the Tribal HCP during the coming year.

BLM Exchange Areas: Preliminarily defined areas of land currently held by the BLM that the Tribe anticipates acquiring pursuant to the land exchange agreement between the Tribe and the BLM, and that, to the extent so acquired, are included in the Plan Area.

Bird of Conservation Concern (BCC): Migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent the USFWS' highest conservation priorities. Report (Birds of Conservation Concern 2002) developed by the USFWS Division of Migratory Bird Management, Arlington, Virginia.

Changed Circumstances: Changes in circumstances affecting a Covered Species or geographic area covered by an HCP that can reasonably be anticipated and planned for in the HCP, pursuant to 50 CFR 17.22(b)(1)(iii)(C). For the purposes of this Plan, Changed Circumstances and the planned responses to those circumstances are defined and described in section 4.14.

Coachella Valley Association of Governments (CVAG): CVAG was formed in 1973 under California's Joint Powers Law to address issues of valley-wide significance. The CVAG is comprised of ten eastern Riverside County cities, three Indian Tribes, and Riverside County.

Conditional Use Permit: A discretionary entitlement that authorizes a specific use to be made of a specific property, subject to special requirements, different from those usual requirements for the zone in which the conditional use is located.

Conservation Agreement: Agreement to establish areas that are to remain in a naturally occurring state, for the purpose of protection and conservation of Covered Species.

Conservation Banking: The development and implementation of Conservation Bank Agreements, which allow for setting aside and/or enhancing lands with long-term conservation value and the subsequent dedication of those lands for project mitigation purposes.

Conservation Bank Agreement: Agreement between parties regarding the establishment and administration of certain lands that will be available as “credits” to developers who are seeking mitigation opportunities to compensate for project effects elsewhere.

Conservation Measures: Actions and methods used to protect Covered Species including preservation and management of habitat.

Construction: Erection of a structure or facility such as a building or road.

Core Habitat: A block of habitat of appropriate size, configuration and habitat characteristics to generally support the life history requirements of one or more Covered Species.

Covered Activities: Activities that are included in the Tribal HCP and addressed in a jeopardy analysis in the accompanying USFWS biological opinion. Thus, included incidental take of covered wildlife species as authorized under the terms of this Tribal HCP and accompanying Section 10(a) Permit, including Covered Projects, Covered Conservation Activities, and Covered Maintenance Activities.

Covered Activity Proponent: Applicant seeking discretionary approvals for a Covered Activity. A Covered Activity Proponent could be the Tribe or a Third Party Participant.

Covered Conservation Activities: Activities undertaken by the agents or employees of the Tribe, or any person acting under the direct guidance or authority of the Tribe, in the Plan Area for which incidental take of Covered Species of wildlife is authorized under the terms of this Tribal HCP and accompanying Section 10(a) Permit, including management and monitoring of the Habitat Preserve and management of Existing Tribal Conservation Programs, subject to certain provisions specified in section 4.2.

Covered Maintenance Activities: Activities undertaken by or at the discretion of the Tribe in the Plan Area for which incidental take of Covered Species of wildlife is authorized under the terms of the Tribal HCP and accompanying Section 10(a) Permit, including the following: (1) ongoing operation, use, and maintenance of existing public and private facilities within current disturbance footprints; (2) operation, use, and maintenance of public and private facilities developed in the future that are approved subject to the requirements of the Plan, within the approved Development Envelope; and (3) temporary maintenance activities outside of such areas that allow recovery of native habitats in the near term.

Covered Projects: Projects that are

- (1) undertaken by the Tribe within the Plan Area, or
- (2) undertaken by a Third Party Participant within the Reservation (including on non-Indian Fee Land to the extent authorized by law or provided for in an agreement between the Tribe and landowner) under a development permit issued by or under the discretion of the Tribe,

for which incidental take of Covered Species of wildlife is authorized under the terms of this Tribal HCP and accompanying Section 10(a) Permit, including new commercial, residential, industrial, disturbance/clearing for agricultural and/or horticultural development; surface mining; public and/or private streets; public utility infrastructure, facilities, and projects; cooperative projects undertaken between the Tribe and public or quasi-public agencies; and public access uses.

Covered Project Proponent: Applicant seeking discretionary approvals for a Covered Project. A Covered Project Proponent could be the Tribe or a Third Party Participant.

Covered Species: The 19 wildlife species, subspecies, and distinct vertebrate populations and 3 plant species and subspecies that are protected by this Tribal HCP. The incidental take of Covered Species of wildlife is authorized under the Section 10(a) Permit issued by USFWS to the Tribe in connection with approval of this Plan and the Implementing Agreement.

Critical Habitat: Specific areas (i) within the geographical area occupied by the species on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection and (ii) outside the geographical area occupied by the species upon a determination by the Secretary that such areas are essential for the conservation of the species as further defined at 16 USC 1532(5)(A).

Density Categories: Development standards that limit the number of dwelling units that can be built on each acre of land, based on the land's slope.

Density Transfer: Reduction of otherwise allowable development density on one parcel of land in exchange for an increase in the otherwise allowable development density on another parcel.

Development Clustering: Site design process in which building lots are sized to conform to the “footprint” of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space, recreation land or to preserve environmentally sensitive features.

Development: Any ground-disturbing activities inclusive of activities such as agriculture and trail-building.

Development Envelope: The area in which any Covered Activity is planned or in progress, including all areas of contiguous land upon which structures are proposed, along with any access roads or driveways, fuel modification zones, non-native landscaping, and domestic animal use areas.

Endangered Species: Any species that is in danger of extinction throughout all or a significant portion of its range and is designated as endangered by the USFWS pursuant to 16 USC 1533.

Existing Tribal Conservation Areas: Indian Canyons Heritage Park and Tahquitz Canyon.

Existing Tribal Conservation Programs: The Tribe’s established conservation programs for Existing Tribal Conservation Areas, as well as the Tribe’s trails management and wetlands conservation programs.

Federal Endangered Species Act (ESA): 16 USC, Section 1531 et seq. and all rules and regulations promulgated thereunder, as amended.

Federally Listed Species: A species listed as threatened or endangered by the USFWS pursuant to ESA.

Fee Land: Land held in fee simple or other non-trust status by the Tribe, a Tribal member, or a non-Indian.

Fluvial Sand Transport Process Area: Within Section 6 (Township 4 South, Range 5 East), the Whitewater River channel and Mission Creek drainage channel, within which activities that would not disrupt water-borne sand transport (e.g., sand mining) would be authorized provided they comply with specified design and mitigation standards.

Habitat Preserve: Land that is dedicated by or on behalf of the Tribe for the benefit of the Covered Species within the Action Area and conserved and managed in perpetuity. Only upon formal dedication of lands through a conservation mechanism as described in section 4.5.1 of the THCP, shall these lands be considered part of the Habitat Preserve.

Implementing Agreement: The agreement between the Tribe and USFWS defines the roles and responsibilities of both parties in implementing the conservation measures and other conditions of the Tribal HCP.

Incidental Take: Take of an individual or individuals of a Covered Species of wildlife that results from but is not the purpose of carrying out an otherwise lawful activity, as defined in 40 C.F.R. 402.02, including, but not limited to, Take resulting from the modification of habitat of Covered Species.

Interim Habitat Conservation and Management Plan: The program adopted by the Tribe to coordinate efforts for the conservation of the Coachella Valley fringe-toed lizard within the Coachella Valley.

Land Improvements: Improvements, such as access controls and signage, to lands acquired for dedication to the Habitat Preserve and necessary for its management.

Land Use Agreements: Agreements entered into by the Tribe with the cities of Cathedral City, Palm Springs, and Rancho Mirage and the County of Riverside pursuant to which, among other things, the Tribe has adopted certain state and local land use laws and delegated to each of the non-Tribal jurisdictions the authority to act as the land use regulatory agent for the Tribe as to certain lands within the Reservation. The Tribe retains ultimate authority under each of these Agreements through an appeal process.

Linkages: Tracts of naturally occurring vegetation sufficient in size to allow for “live-in habitat,” providing connectivity between nearly disjunct habitats, thereby allowing movement of a species through and between connected habitats, ensuring genetic variability.

Major Amendment: A change in the Tribal HCP that requires the USFWS to modify at least one of the following decision documents: Biological Opinion, Findings, Environmental Impact Statement, IA, or Section 10(a) Permit.

Maximum Extent Practicable: Available and capable of being done after taking into consideration cost, technical constraints, and logistics in the light of overall project purposes. Considerations and the process for making this determination are further defined in section 4.8.4.

MCCA Acreage Dedication Commitment: Assurances provided by the Tribe that 5.67 acres of habitat shall be preserved for every 1 acre impacted in the MCCA.

Minor Amendment: Change to the Tribal HCP whereby the effect on Covered Species, the level of take, and the Tribe's ability to implement the Tribal HCP are not significantly different than those described in the Tribal HCP as adopted.

Mitigation Credits: Incremental net conservation value of every acre (or portion of an acre) enhanced or restored for the benefit of Covered Species that may be used by, or at the authorization of, the Tribe to offset mitigation requirements for Covered Projects.

Mountains and Canyons Conservation Area (MCCA): The western and southern regions of the Plan Area, including all portions of the San Jacinto and Santa Rosa Mountains within the Plan Area that are generally above the 800-foot elevation contour, in which certain development standards and conditions shall be imposed and a mitigation fee program shall fund acquisition and management of Habitat Preserve lands.

Multiple Species Habitat Conservation Plan (MSHCP): CVAG has adopted the Coachella Valley MSHCP. The MSHCP has received take permits from the U.S. Fish and Wildlife Service and California Department of Fish and Game, under both the ESA and the California Endangered Species Act.

Natural Plant Communities: The suites of plant species that have existed upon and evolved within a specific setting for thousands of years.

Overlay Zones: Land use designations that, in addition to other land use or zoning restrictions, set forth new development restrictions, processes, standards, and mitigation fees and provide for impact avoidance and minimization measures.

Peninsular bighorn sheep (PBS)-sensitive Valley Floor Planning Area (VFPA) Areas: Lands located within 500 feet of habitat for PBS that occur in the VFPA and are subject to impact restrictions for the benefit of that species.

Peninsular Bighorn Sheep Use Areas: Lambing areas (as identified based on a USFWS Biological Opinion) and use areas (as identified based on tracking data provided by the Bighorn Institute).

Plan Area: The lands upon which the Permit authorizes Incidental Take of Covered Species and the lands to which the Tribal HCP's conservation and mitigation measures apply, which includes (1) all non-federally owned lands within the Reservation; and (2) off-Reservation lands owned by or held in trust for the Tribe. Certain identified lands within the Action Area will fall within the Plan Area at the time such lands are acquired or regulated by the Tribe, including (1) off-Reservation lands within Target Acquisition Areas; and (2) the BLM Exchange Areas.

Plan Refinement Process: Process by which the Tribe may modify certain conservation requirements contemplated under this Plan, provided that the modification would result in equivalent or superior conservation of Covered Species, that all effects of such actions have been fully analyzed, and that there would be no increase in the level of anticipated incidental take.

Qualified Biologist: A Qualified Biologist may work directly for the Tribe or as a representative of the project applicant. The Qualified Biologist shall possess at least a four year degree in biology, ecology, or other related field, and shall have experience working in the region with the species covered under the THCP. Where specific permits are required, such as for handling the desert tortoise, the Qualified Biologist shall have all appropriate federal permits to do the work. The Tribe shall make the determination as to the qualifications of the Qualified Biologist.

Reservation: The Agua Caliente Indian Reservation located in the western Coachella Valley in Riverside County, which is home to the Agua Caliente Band of Cahuilla Indians.

Riparian Habitat: Plant community types that include desert fan palm oasis woodland, Sonoran cottonwood-willow riparian forest, and southern sycamore-alder riparian woodland.

Section 6 Specific Plan Area: The portion of Section 6 (Township 4 South, Range 5 East) located northeast of the Whitewater River and west of the Mission Creek drainage channel, within which development may be authorized only with the preparation of a Specific Plan, which must meet certain specified requirements.

Section 10(a) Permit: The permit issued by USFWS pursuant to 16 USC 1539(a), authorizing Take of Covered Species of wildlife in conformance with the Tribal HCP and Implementing Agreement.

Slope/Density Ratios: The relationship between the grade of the hillside and concentration of dwelling units. Permitted densities may decrease pursuant to the slope density ratios established in a slope ordinance.

Target Acquisition Areas: Areas identified within the floor of the Coachella Valley, both on and off of the Reservation, within which, for mitigation of impacts to Covered Species within the VFPA, acquisition, dedication to the Habitat Preserve, and management in perpetuity is targeted to occur.

Take: Harass, harm, pursue, hang, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct with regard to endangered species (16 USC 1532(19)). Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior including breeding, feeding, or sheltering (50 CFR 17.3). The Take of listed species that are plants is not prohibited under the ESA, and therefore, Take authorization for listed plants is not required.

Plant species included on the list of Covered Species will be listed on the Section 10(a) Permit in recognition of the conservation measures and benefits provided for those plants under the Tribal HCP.

Third Party Participant: A non-Federal party other than the Tribe that is acting under authorization of the Tribe and qualifies for and receives take authorization in exchange for compliance with the terms and conditions of this Tribal HCP, the Implementing Agreement, and the Section 10(a) Permit.

Threatened Species: Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range and is designated as threatened by the USFWS pursuant to 16 USC 1533.

Tribal Biologist: The biologist either working directly for the Tribe or as a consultant to the Tribe who will be responsible for review and providing input to the Department regarding consistency of Covered Activities with the Tribal HCP, implementation of management activities, and other tasks as defined in the Tribal HCP.

Tribal Council: The Agua Caliente Band of Cahuilla Indians' governing body.

Tribal Environmental Policy Act (TEPA; Ordinance No. 28): This Act sets forth the environmental policy of the Agua Caliente Band of Cahuilla Indians and establishes a basic process for conducting environmental review of major Tribal actions which potentially affect the quality of the environment.

Tribal Habitat Conservation Plan (HCP): The habitat conservation plan adopted by the Agua Caliente Band of Cahuilla Indians, as amended, and proposed for approval by USFWS for the long-term conservation of Covered Species and their habitats occurring or having the potential to occur within the Plan Area.

THCP Mitigation Fee: Fee collected by the Tribe for development activities within the Plan Area, which will be used for acquisition and management of lands within the Habitat Preserve.

Tribal Lands: Lands owned by or held in trust for the Tribe or Tribal members.

Tribal Sensitive Species: Species considered by the Tribe to be sensitive species, but not yet listed under ESA.

Tribal Trust Land: Land held by the United States in trust for the benefit of the Tribe.

Tribe: The Agua Caliente Band of Cahuilla Indians, a federally recognized Indian tribe.

Unforeseen Circumstances: Events affecting a Covered Species or geographic area covered by an HCP that could not reasonably have been anticipated during planning, and that result in a substantial and adverse change in the status of a Covered Species, pursuant to 50 CFR 17.3.

Valley Floor: The Valley Floor Planning Area and the off-Reservation Target Acquisition Areas.

Valley Floor Planning Area (VFPA): The northern and eastern portions of the Plan Area on the floor of the Coachella Valley, in which certain impact restrictions apply to active and ephemeral sand fields, and PBS-sensitive VFPA Areas; portions of Indian Canyons shall be conserved; and a mitigation fee program shall fund acquisition and management of Habitat Preserve lands within specified Target Acquisition Areas.

VFPA Rough Proportionality Commitment: Assurances provided by the Tribe that roughly 1 acre from within the Target Acquisition Area shall be preserved for every 4 acres impacted in the VFPA, as measured every 3 years following adoption of the Tribal HCP or before disturbance of each 1,000 acres of undeveloped VFPA lands available for development, whichever comes first.

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