

Proposed Major Amendment to the Coachella Valley MSHCP – March 2014

Definitions

Acceptable Biologist	A biologist whose name is on a list maintained by CVCC of biologists who are acceptable to CVCC, CDFG, and USFWS for purposes of conducting surveys of Covered Species.
Acquisition and Funding Coordinating Committee	A committee formed by the CVCC that provides input on local funding priorities and Additional Conservation Land acquisitions.
Adaptive Management	To use the results of new information gathered through the monitoring program of the Plan and from other sources to adjust management strategies and practices to assist in providing for the Conservation of Covered Species.
Additional Conservation Lands	Conserved Habitat that will contribute to Reserve System Assembly, as described in Section 4.2.2 of the MSHCP.
Allowable Uses	Uses allowed within the MSHCP Reserve System, as defined in Section 7.3.2 of the MSHCP.
Annual Report (s)	The report(s) prepared pursuant to the requirements of Section 6.4 of the MSHCP.
Area Plan	A community planning area defined in the County of Riverside General Plan. Four County of Riverside Area Plans are located within the MSHCP Plan Area.
Biological Corridor	Wildlife movement area that is constrained by existing development, freeways, or other impediments. [<i>See also “Linkage.”</i>]
California Department of Fish and Game (“CDFG”)	A department of the California Resources Agency.
California Department of Parks and Recreation (“State Parks”)	A department of the California Resources Agency.
California Department of Transportation (“Caltrans”)	A department of the California Business, Transportation, and Housing Agency.
California Endangered Species Act (“CESA”)	California Fish and Game Code, Section 2050 et seq. and all rules, regulations and guidelines promulgated thereunder, as amended.
California Environmental Quality Act (CEQA)	California Public Resources Code, Section 21000 et seq. and all guidelines promulgated thereunder, as amended. For the MSHCP, CVAG shall be the Lead Agency under CEQA, as defined under state CEQA Guidelines Section 15367.

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Candidate Species	"Candidate Species" means both (1) a species formally noticed by the California Fish and Game Commission as under review for listing as threatened or endangered, or a species for which the Fish and Game Commission has published a notice of proposed regulation to add a species as threatened or endangered, and (2) a species which USFWS has identified as being a candidate for listing, but for which development of a listing regulation is precluded by other higher priority listing activities.
Certificate of Inclusion	The document attached as Exhibit "H" to the IA that would be required to be executed prior to a Participating Special Entity receiving Take Authorization pursuant to Section 11.7 of the IA or for other Covered Activities, as appropriate.
Changed Circumstances	Changes in circumstances affecting a Covered Species or geographic area covered by the MSHCP, that can reasonably be anticipated by the Parties and that can reasonably be planned for in the MSHCP. Changed Circumstances and the planned responses to those circumstances are more particularly described in Section 6.8.3 of the MSHCP. Changed Circumstances do not include Unforeseen Circumstances.
Cities	The cities of Cathedral City, Coachella, <u>Desert Hot Springs</u> , Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage, collectively.
Coachella Valley Association of Governments ("CVAG")	A joint powers authority that functioned as Lead Agency for the preparation of the MSHCP.
Coachella Valley Conservation Commission ("CVCC")	A joint powers authority formed by the Local Permittees to provide primary policy direction for implementation of the MSHCP, as set forth in Section 6.1.1 of the MSHCP, and Section 11.2.2 of the IA.
Coachella Valley Fringe-toed Lizard Habitat Conservation Plan ("CVFTL HCP")	The CVFTL HCP in the Plan area, dated April 21, 1986, more particularly described in Section 16.2 of the IA.
Coachella Valley Mountains Conservancy ("CVMC")	A state agency within the California Resources Agency.
Complementary Conservation	The land projected to be acquired in the Conservation Areas for Conservation purposes independent of, but compatible with, the MSHCP, as described in Section 4.2.1 of the MSHCP.

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Conservation	To use, and the use of, methods and procedures within the MSHCP Reserve System and within the Plan Area as set forth in the MSHCP Plan, that are necessary to bring any species to the point at which the measures provided pursuant to FESA and the California Fish and Game Code are no longer necessary. However, Permittees will have no duty to enhance, restore or revegetate MSHCP Reserve System lands unless required by the MSHCP, the IA, or agreed to through implementation of the Plan.
Conservation Areas	A system of lands described in Section 4.3 of the MSHCP that provides Core Habitat and Other Conserved Habitat for the Covered Species, conserves natural communities, conserves Essential Ecological Processes, and secures Biological Corridors and Linkages between major Habitat areas. There are 21 Conservation Areas from which the MSHCP Reserve System will be assembled.
Conservation Goal(s)	A broad statement of intent that describes how the Plan will accomplish the protection of Core Habitat, Essential Ecological Processes, Biological Corridors, and Linkages in the MSHCP Reserve System to ensure that the Covered Species are adequately conserved. Conservation Goals are also designed to ensure the persistence of natural communities.
Conservation Level	A numerical designation, as described in Section 2.4 of the MSHCP, assigned to all land within the Plan Area.
Conservation Objective(s)	Measurable statements of actions or measures that will lead to attainment of the Conservation Goals.
Conservation Strategy	The overall approach to assure Conservation of Covered Species within the Plan Area.
Conserved Habitat	Land that is permanently protected and managed for the benefit of the Covered Species under the institutional arrangements that provide for its ongoing management, and under the legal arrangements that prevent its conversion to other uses.
Core Habitat	The areas identified in the Plan for a given species that are composed of a Habitat patch or aggregation of Habitat patches that (1) are of sufficient size to support a self-sustaining population of that species, (2) are not fragmented in a way to cause separation into isolated populations, (3) have functional Essential Ecological Processes, and (4) have effective Biological Corridors and/or Linkages to other Habitats, where feasible, to allow gene flow among populations and to promote movement of large predators.
County	County of Riverside
County Flood Control	Riverside County Flood Control and Water Conservation District
County Parks	Riverside County Regional Park and Open Space District

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County Waste	Riverside County Waste Resources Management District
Covered Activities	Certain activities carried out or conducted by Permittees, Participating Special Entities, Third Parties Granted Take Authorization and others within the MSHCP Plan Area, as described in Section 7 of the MSHCP, that will receive Take Authorization under the Section 10(a) Permit and the NCCP Permit, provided these activities are otherwise lawful.
Covered Species	The species for which Take Authorization is provided through the Permits issued in conjunction with the IA. These species are discussed in Section 9 of the MSHCP, and listed in Exhibit C of the IA.
Critical Habitat	Habitat for species listed under FESA that has been designated pursuant to Section 4 of FESA and identified in 50 C.F.R., Sections 17.95 and 17.96.
Development	The uses to which land shall be put, including construction of buildings, structures, infrastructure, and all associated alterations of the land.
Discretionary Project	A proposed project requiring discretionary action by a Permittee, as that term is used in CEQA and defined in state CEQA Guidelines, Section 15357, including issuance of a grading permit for County projects.
Effective Date	Date on which the IA takes effect, as set forth in Section 19.1 of the IA.
Emergency	A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soils or geologic movements, as well as such occurrences as riot, accident, or sabotage.
Endangered Species	Those species listed as endangered under FESA and/or CESA.
Essential Ecological Processes	Processes that maintain specific Habitat types and are necessary to sustain the Habitat (in a state usable by Covered Species). Essential Ecological Processes may include abiotic hydrological processes (both subsurface and surface), erosion, deposition, blowsand movement, substrate development and soil formation, and disturbance regimes such as flooding and fire; and biotic processes such as reproduction, pollination, dispersal, and migration.
Essential Habitat	Certain lands delineated in the Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000).
Existing Conservation Lands	Subset of MSHCP Reserve System lands consisting of lands in public or private ownership and managed for Conservation and/or open space values that contribute to the Conservation of Covered Species, as generally depicted in Figure 4-2 of the MSHCP.
Existing Uses	An existing use, public or private, which is the primary use on the property.

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Feasible	Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
Federal Endangered Species Act (FESA)	16 U.S.C., Section 1531 et seq. and all rules and regulations promulgated thereunder, as amended.
Habitat	The combination of environmental conditions of a specific place providing for the needs of a species or a population of such species.
HabiTrak	A GIS application to provide data on Habitat loss and Conservation, which occurs under the Permits.
Implementing Agreement (IA)	The executed agreement that implements the terms and conditions of the MSHCP.
Independent Science Advisors (ISA)	The qualified biologists, Conservation experts and others that provide scientific input to assist in the planning and implementation of the MSHCP for the benefit of the Covered Species, as set forth in Section 3.1.2 of the MSHCP.
Joint Project Review Process	The review process described in Section 6.6.1.1 of the MSHCP for Development proposed in Conservation Areas.
Land Manager	The entity, or entities, which has the responsibility to manage land acquired by the Permittees as set forth in Section 6.1.5 of the MSHCP.
Land Use Adjacency Guidelines	Standards delineated in Section 4.5 of the MSHCP for land uses adjacent to or within the Conservation Areas that are necessary to avoid or minimize edge effects. “Adjacent” means that a parcel shares a common boundary with a parcel in a Conservation Area.
Legal Instrument	The term “Legal Instrument,” as used within the Plan and/or IA, shall refer to recorded legal instruments acceptable to the Wildlife Agencies, which provides legal protection in perpetuity to conservation lands; this legal protection may consist of a conservation easement consistent with California Civil Code Section 815 et seq. or a perpetual deed restriction that meets the requirements of a conservation easement under this statute.
Linkage	Habitat that provides for the occupancy of Covered Species and their movement between larger blocks of Habitat over time, potentially over a period of generations. In general, Linkages are large enough to include adequate Habitat to support small populations of the species and, thus, do not require that an individual of the species transit the entire Linkage to maintain gene flow between populations. What functions as a Linkage for one species may provide only a Biological Corridor or no value for other species. [<i>See also “Biological Corridor.”</i>]
Listed Species	A species that is listed under FESA and/or CESA.
Local Development Mitigation	The fee imposed by applicable Local Permittees on new Development

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Fee	pursuant to Government Code, Section 66000 et seq.
Local Permittees	CVCC, CVAG, County, County Flood Control, County Parks, County Waste, CVWD, IID, <u>MSWD</u> , and the Cities.
Major Amendments	Those proposed amendments to the MSHCP and the IA, as described in Section 20.5 of the IA and Section 6.12.4 of the MSHCP.
Management Program	MSHCP management actions, as described in Section 8 of the MSHCP.
Migratory Bird Treaty Act (MBTA)	50 C.F.R., Section 21 et seq. and all rules and regulations promulgated thereunder, as amended.
Migratory Bird Treaty Act (MBTA) Special Purpose Permit	A permit issued by the USFWS under 50 Code of Federal Regulations section 21.27, authorizing Take, in connection with Covered Activities, under the MBTA of the Covered Species listed in 50 Code of Federal Regulations Section 10.13 that are also listed as endangered or threatened under FESA.
Minor Amendments	Minor changes to the MSHCP and the IA, as defined in Section 20.4 of the IA and Section 6.12.3 of the MSHCP.
Mitigation Lands	A subset of Additional Conservation Lands as described in Sections 4.1 and 4.2.2.2 of the MSHCP.
Monitoring Program	The monitoring programs and activities set forth in Section 8 of the MSHCP.
Monitoring Program Administrator (MPA)	The individual or entity responsible for administering the monitoring program, as described in Section 6.1.6 of the MSHCP.
Monitoring Reports	Report(s) prepared pursuant to the requirements of Section 8.7 of the MSHCP.
MSHCP	Synonym for Plan, used in the text where needed for clarity.
MSHCP Reserve System	A reserve that will total approximately 745,900 acres. The MSHCP Reserve System will provide for the Conservation of the Covered Species.
NCCP Act	California Natural Community Conservation Planning Act of 2002 (California Fish and Game Code § 2800 et seq.) including all regulations promulgated thereunder, as amended.
NCCP Permit	The Permit issued under the NCCP Act for the MSHCP to permit the Take of identified species listed under CESA as threatened or endangered, a species that is a candidate for listing, and Non-listed Species.

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NEPA	National Environmental Policy Act, (42 U.S.C., Section 4321-4335) and all rules, regulations promulgated thereunder, as amended. For the purposes of the MSHCP, USFWS is the Lead Agency under NEPA, as defined in 40 C.F.R., Section 1508.16.
Non-Listed Species	A species that is not listed under FESA and/or CESA.
No Surprises Assurance	The guarantee that, provided Permittees are properly implementing the terms and conditions of the MSHCP, the IA, and the Permit(s), the USFWS can only require additional mitigation for Covered Species beyond that provided for in the MSHCP as a result of Unforeseen Circumstances in accordance with the "No Surprises" regulations at 50 C.F.R., Sections 17.22(b)(5) and 17.32(b)(5) and as discussed in Section 6.8 of the MSHCP.
Operation and Maintenance Activities (O&M)	Those Covered Activities that include the ongoing operation and maintenance of public facilities, as described in Section 7.3.1.1 of the MSHCP.
Other Conserved Habitat	Part of a Conservation Area that does not contain Core Habitat for a given species, but which still has Conservation value. These values may include Essential Ecological Processes, Biological Corridors, Linkages, buffering from edge effects, enhanced species persistence probability in proximate Core Habitat, genetic diversity, recolonization potential, and flexibility in the event of long-term Habitat change.
Participating Special Entity	Any regional public service provider, such as a utility company or a public district or agency, that operates and/or owns land within the MSHCP Plan Area and that applies for Take Authorization pursuant to Section 11.7 of the IA.
Party and Parties	The signatories to the IA, namely CVAG, CVCC, County, County Flood Control, County Parks, County Waste, the Cities, CVWD, IID, <u>MSWD</u> , Caltrans, CVMC, State Parks, USFWS, and CDFG and any other city within the Plan Area that incorporates after the Effective Date and complies with Section 11.5 of the IA.
Permit(s)	Collectively, the Section 10(a)(1) Permit and NCCP Permit issued by the Wildlife Agencies to Permittees for Take of Covered Species pursuant to FESA and the NCCP Act and in conformance with the MSHCP and the IA.
Permittees	CVAG, CVCC, County, County Flood Control, County Parks, County Waste, the Cities, CVWD, IID, <u>MSWD</u> , Caltrans, CVMC, and State Parks.
Plan	Coachella Valley Multiple Species Habitat Conservation Plan, a comprehensive multiple species habitat conservation planning program that addresses multiple species' needs, including Habitat and the preservation of natural communities in the Coachella Valley area of Riverside County, California, as depicted in Figure 4-1 in Section 4.1 of the MSHCP and Exhibit "A" of the IA.

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Plan Area	The boundaries of the MSHCP, consisting of approximately 1.2 million acres in the Coachella Valley area of Riverside County, as depicted in Figure 2-2 of the MSHCP Plan, and Exhibit B of the IA.
Planning Agreement	The Memorandum of Understanding prepared consistent with the NCCP Act to guide development of the MSHCP that is contained in Appendix II of the MSHCP.
Plan Participants	CVAG, CVCC, County, County Flood Control, County Parks, County Waste, the Cities, CVWD, IID, <u>MSWD</u> , Caltrans, CVMC, State Parks, and others receiving Take Authorization under the Permits.
Private Conservation Land	Land owned by a non-governmental entity committed to Conservation in perpetuity through deed restriction, conservation easement, or other binding agreement satisfactory to CDFG and USFWS.
Reserve Lands	Existing Conservation Lands, Additional Conservation Lands, and Complementary Conservation.
Reserve Management Oversight Committee (RMOC)	The committee established by the CVCC to provide biological, technical and operational expertise for implementation of the MSHCP, including oversight of the MSHCP Reserve System, as described in Section 6.1.3 of the MSHCP.
Reserve Management Unit (RMU)	The units identified in Section 6.1.4 of the MSHCP.
Reserve Management Unit Plan (RMUP)	The plan setting forth management practices for identified portions of the MSHCP Reserve System Area, prepared and adopted as described in Section 6.2 of the MSHCP.
Reserve System	A synonym for MSHCP Reserve System.
Reserve System Assembly	The process of conserving lands within the Conservation Areas through acquisition or other means to assemble the MSHCP Reserve System.
Rough Step	A Conservation Area assembly accounting process to monitor Conservation and loss of specified Habitats within the Plan Area.
Rough Step Analysis Unit	A geographic unit within which Rough Step is tracked. The Conservation Areas are the Rough Step Analysis Units.
Scientific Advisory Committee (SAC)	The committee of scientists that provided scientific input into the development of the Plan, as described in Section 3.1.1.
Section 10(a) Permit	The permit issued by the USFWS to Permittees pursuant to 16 U.S.C., Section 1539(a), authorizing Take of Covered Species.

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Special Provisions Area	Provisions that apply to a given location or area, identified by a location description or in a figure, which address specific conditions necessary to achieve Conservation in that location or area.
Species Conservation Goal(s)	Goals for the Conservation of each Covered Species described in Section 9 of the MSHCP.
State Assurances	Except as provided in Section 15.5 of the IA, provided Permittees are implementing the terms and conditions of the MSHCP, the IA, and the Permits, if there are Unforeseen Circumstances, CDFG shall not require additional land, water or financial compensation, or additional restrictions on the use of land, water, or other natural resources for the life of the NCCP Permit without the consent of the Permittees, unless CDFG determines that continued implementation of the IA, the MSHCP, and/or the Permits would jeopardize the continued existence of a Covered Species, or as required by law and would therefore lead to NCCP Permit revocation or suspension.
State Permittees	Caltrans, CVMC, and State Parks.
Take	The definition of such term in FESA and the California Fish and Game Code. Section 9 of FESA does not prohibit Take of Federally Listed plants.
Take Authorization	The ability to incidentally Take species pursuant to the Section 10(a)(1)(B) Permit and/or the NCCP Permit.
Third Party Take Authorization	Take Authorization received by a landowner, developer, or other public or private entity from the Permittees pursuant to Section 17 of the IA, thereby receiving Take Authorization for Covered Species pursuant to the Permits.
Threatened Species	Those species listed as threatened under FESA and/or CESA.
Unforeseen Circumstances	Changes in circumstances affecting a Covered Species or geographic area covered by the MSHCP that could not reasonably have been anticipated by the Parties at the time of the MSHCP's negotiation and development, and that result in a substantial and adverse change in the status of the Covered Species. As defined, the term is intended to have the same meaning as it is used: (1) to define the limit of the Permittees' obligation on the "No Surprises" regulations set forth in 50 C.F.R., Sections 17.22 (b)(5) and 17.32 (b)(5); and (2) in California Fish and Game Code, Section 2805(k).
United States Fish and Wildlife Service ("USFWS")	An agency of the United States Department of the Interior.
Wildlife Agencies	USFWS and CDFG, collectively.

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