

Glossary



Action area – Pursuant to the Federal Endangered Species Act, the action area is generally larger than the defined project area in that it includes all areas where both direct and indirect impacts will occur. Direct impacts are generally restricted to the project area where there will be construction activities or placement of structures. Indirect impacts could include area where construction activities are not necessarily occurring, for example, erosion from the project indirectly impacts downstream or downhill habitat.

Active nests- Any nest that is currently being built or tended by a pair of adult birds.

Adjacent Wetland – wetlands that are located next to a water channel and are hydrologically influenced by the water channel. These wetlands can receive water from the water channel and/or water in the wetlands can flow into the water channel. These wetlands are within a very close proximity to the water channel as opposed to non-adjacent wetlands where hydrologic connectivity is from runoff.

Bed, channel, or bank of stream – The bed of a stream is the bottom surface of the stream. The channel of a stream is the area between the banks. The banks of a stream are the landward limit of water in the stream at the ordinary high water mark.

Biological Assessment – a document (prepared by the project proponent) that describes potential effects of a project on federally or state listed species. The biological assessment contains information required by the U.S. Fish and Wildlife Service to make an effects determination under Section 7 or Section 10 of the Endangered Species Act.

Biological Opinion – a document prepared by the U.S. Fish and Wildlife Service that presents their effects determination for federally listed species. The Biological Opinion will provide measures to avoid and minimize effects to a species and discuss compensatory mitigation options. Issuance of a Biological Opinion by the U.S. Fish and Wildlife Service typically concludes formal consultation under Section 7 of the Endangered Species Act.

Critical habitat – (1) specific areas within the geographical area occupied by the species at the time of listing, if they contain physical or biological features essential to conservation, and those features may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if the resource agency determines that the area itself is essential for conservation.

Critical Habitat- Areas within a listed species' current range that contain features that are essential to that species' conservation as designated by the US Fish and Wildlife Service.

Discharge – the act of placing materials into waters of the United States.

Discharge of dredged materials – the use of mechanized earth-moving equipment to conduct land clearing, ditching, channelization, in-stream mining, or other earth-moving activity in waters of the United States that result in the placement of the dredged material in waters of the United States.

Discharge of fill materials – the placement of fill materials (i.e., soil, sand, clay, rock, plastics, construction debris, wood chips, overburden from mining or other excavation, etc.) into waters of the United States such that the fill replaces any portion of a water of the United States with dry land or changes the bottom elevation of a water of the United States.

Erosion control- The practice for preventing or controlling wind or water erosion in agriculture or other earth-disturbing project and vegetation removal, usually involving the creation of some sort of physical barrier to absorb some of the energy of the wind or water that is causing the erosion.

Exotic Plant Species- A plant species that has been or are being introduced into places other than their historical or documented range by humans.

Federal action - Federal actions include, but are not limited to, construction, rehabilitation, and repair projects, demolition, licenses, permits (e.g., Clean Water Act §404 permits), loans, loan guarantees, grants, and Federal property transfers.

Federally protected terrestrial plant, wildlife, and fish species – species that are designated by the U.S. Fish and Wildlife Service and National Marine Fisheries Service as endangered and threatened, or proposed for, or a candidate for evaluation for listing under the Endangered Species Act.

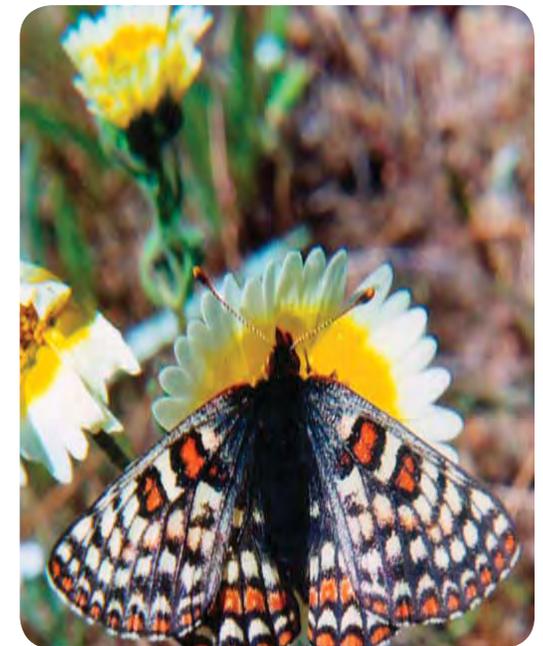
Fill materials – See Discharge of fill materials.

Harm - an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including, breeding, spawning, rearing, migrating, feeding, or sheltering.

Incidental Take Permit (Federal) – a permit issued by the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service that allows for take of a federally listed species so long as the take is incidental to the proposed action.

Incidental Take Permit (State) – a permit issued by the California Department of Fish and Game that allows for take of a state listed species so long as the take is incidental to the proposed action.

Isolated wetlands – wetlands that are not connected or adjacent to navigable waters or non-navigable tributaries of navigable waters.



Jurisdictional delineation of waters of the United States, including wetlands – a determination of the boundaries of waters of the United States, including wetlands, performed by trained wetland ecologists using methods outlined in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual.

Native Plant Species- A plant that develops, occurs naturally, or has existed for many years in an area.

Navigable waters – waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

Oak woodland- A plant community found throughout California. The dominant trees in this region are oaks.

Ordinary high water mark (OHWM) – the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris, or other appropriate means that consider the characteristics of the surrounding areas.

Pond Berm- A narrow shelf, path, or ledge typically at the top or bottom of a slope.

Raptor nest- A nursery wherein a bird of prey lays its eggs and cares for nestlings. This might be a collection of sticks and debris, a cavity in a tree, a divot scraped into the dirt, or a ledge on a cliff. It might also be an underground burrow.

Riparian areas– Areas adjacent to the banks of streams or rivers that contain vegetation that is distinct from upland species.

Riparian zone – the zone between the banks of a stream or river and the landward edge of riparian vegetation.

Rock outcroppings- The part of a rock formation that appears above the surface of the surrounding land.

Section 106 of the National Historic Preservation Act – Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties (and cultural resources) and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

Section 404(b)(1) – Section 404(b)(1) of the Clean Water Act requires that “Guidelines” be applied for each project requesting a Section 404 permit. These Guidelines set the standard by which all Section 404 permits requests are evaluated. The fundamental precept of the Guidelines is that discharges of dredged or fill material into waters of the United States, including wetlands, should not occur unless it can be demonstrated that such discharges, either individually or cumulatively, will not



result in unacceptable adverse effects on the aquatic ecosystem. The Guidelines specifically require that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” (40 CFR 230.10[a]). Applicants for a Section 404 permit must prepare an “Alternatives Analysis” that discusses practicable alternatives to the proposed discharge (project).

Section 7 consultation – Consultation, pursuant to Section 7 of the federal Endangered Species Act, between a federal agency and the U.S. Fish and Wildlife Service or National Marine Fisheries Service. Section 7 consultation occurs when an applicant requests a permit or other type of authorization from a federal agency. If the project has the potential to adversely affect federally listed species, the federal agency must enter into consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service. Examples are Section 7 consultation between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service or National Marine Fisheries Service, U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service or National Marine Fisheries Service, and even U.S. Fish and Wildlife Service with National Marine Fisheries Service or vice versa.

State protected plant or wildlife species – species that are designated by the California Department of Fish and Game as endangered and threatened, or proposed for, or a candidate for evaluation for listing under the California Endangered Species Act

Take (Federal ESA) – To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.

Take (State ESA) – To hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Note: This definition is less stringent than the Federal ESA in that it does not include the term “harm.”

USACE jurisdictional wetlands – wetlands that are subject to regulation by the U.S. Army Corps of Engineers based on adjacency to navigable waters of the United States or non-navigable tributaries to waters of the United States, or wetlands that are proven to have a “significant nexus” to waters of the United States.

Vegetation- The plant life that occupies a given area or particular region.

Waste materials – materials such as storm water runoff, waste water, other effluent, building materials, paint, petroleum products, pesticides, etc.

Waters of the state – all surface water or groundwater, including saline waters, within the boundaries of the state of California.

Waters of the United States – All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including:



- all waters which are subject to the ebb and flow of the tide (navigable waters);
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams, wetlands, natural ponds, etc. that the use, degradation, or destruction of which could affect interstate or foreign commerce (where commerce can be from recreation, sales of fish or shellfish, use for industrial purposes, etc.);
- The territorial sea;
- Tributaries of all waters mentioned above; and
- Wetlands adjacent to Waters of the U.S.

Wetland- Land that is transitional between terrestrial and aquatic systems. They are lowland areas, such as a marsh or swamp that are saturated with moisture.

