



# National Marine Fisheries Service Southwest Region

## Habitat Protection Policy

Adopted June 8, 1978  
Revised October 25, 1991



## HABITAT PROTECTION POLICY

(Adopted June 8, 1978)

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The National Marine Fisheries Service (NMFS) reviews Federally initiated, licensed, or permitted projects, which have the potential of altering aquatic environments and thereby impacting the biological resources which depend upon those habitats. The Southwest Region of NMFS will not recommend approval or authorization of any project or activity that will damage any existing or potentially restorable habitat of living marine, estuarine, or anadromous resources.

Habitat may include spawning areas, rearing areas, food-producing areas, or other areas necessary for the survival of those organisms. The water-dependence of the proposed activities will be a positive consideration in determining project approval.

Some of the types of projects and activities which may cause damage to marine, estuarine, or anadromous resources include: dredging, filling, river alterations, drainage of wetlands, discharge of effluents, as well as certain construction or operational activities. These activities listed are not intended to be all-inclusive, but are representative of activities which are of concern to NMFS.

Under circumstances in which habitat/resource damages can be compensated, exceptions to the policy may be allowed. The following conditions are required for such exception:

1. The project will incorporate all feasible modifications and construction techniques to minimize adverse environmental impacts.
2. For adverse environmental impacts that cannot reasonably be eliminated by project modifications, an acceptable combination of habitat restoration, enhancement, or other suitable mitigation will be adopted. The following mitigation criteria, in order of preference, shall be applied to compensate for these unavoidable adverse impacts:
  - a) Mitigation shall occur on-site and shall be habitat replacement in-kind.
  - b) Mitigation shall occur off-site and shall be habitat replacement in-kind.
  - c) Mitigation shall occur on-site and shall be habitat replacement out-of-kind.
  - d) Mitigation shall occur off-site and shall be habitat replacement out-of-kind.

3. Post project habitat value shall be equal to, or greater than, pre-project habitat value. Determination of post-project value will be based on the contribution of that habitat to the support of commercial and recreational fisheries, fishery resources, certain marine mammals, and/or endangered species.
4. To compensate for unavoidable damages to coral reef habitats from water dependent projects in the Pacific Islands, under certain circumstances off-site, out-of-kind mitigation will be considered. Examples of this type of mitigation include deployment of artificial reefs, creation of hard substrate for coral colonization, and establishing refuge areas to protect in perpetuity prime coral reef habitat. Monitoring to determine the success of mitigation will be required. Adoption of this type of mitigation will be considered only in areas with little or no degraded habitats, where the above policy cannot reasonable be applied.

It is in the best interest of project sponsors to contact the appropriate NMFS office as early as possible to determine the impacts, if any, of each particular project.

For further information, contact one of the offices listed below:

National Marine Fisheries Service  
Habitat Conservation Division  
Southern Area Environmental Coordinator  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802-4213  
Telephone: (562) 980-4043

National Marine Fisheries Service  
Habitat Conservation Division  
Pacific Islands Environmental Coordinator  
2570 Dole Street  
Honolulu, HI 96822  
Telephone: (808) 973-2937

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National Marine Fisheries Service  
Habitat Conservation Division  
Northern Area Environmental Coordinator  
777 Sonoma Avenue, Suite 325  
Santa Rosa, CA 95404  
Telephone: (707) 575-6050