**Riparian and Aquatic Habitat Protection:**

**Selected Sections of Laws and Regulations**

**Endangered Species Act (ESA) of 1973, Sec. 7:**

(a)(2) Each Federal agency shall . . . insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical . . .

**ESA, Sec. 3**:

(5)(A) The term **“critical habitat”** for a threatened or endangered species means— (i) the specific areas within the geographical area occupied by the species, at the time it is listed, . . . 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) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

**Volume 50, Code of Federal Regulations, Section 402.02 (Joint ESA regulations adopted by FWS and NMFS)**:

**“Destruction or adverse modification”** means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.

Dated: January 29, 2016.

Michael J. Bean, Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior.

Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

**Washington State Shoreline Management Act of 1971, Sec. 2 (RCW 90.58.020)**

There is . . . a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines. . . .

This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. . . .

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

**Washington Administrative Code 173-26-186: Governing Principles (adopted 2004)**

(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions. (i)Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. . . .

**Useful websites**:

USFWS, Endangered Species Program: <http://www.fws.gov/endangered/>

NMFS, Office of Protected Resources: <http://www.nmfs.noaa.gov/pr/index.htm>

WA State Dept. of Ecology, Shoreline Management: <http://www.ecy.wa.gov/programs/sea/sma/st_guide/intro.html>

Methow Valley Citizens Council, Shoreline Master Program activities: http://www.mvcitizens.org/blog/what-we-do/shoreline-master-program/