

[Endangered Species Conservation](#)

Endangered Species Act Permits and Authorizations on the West Coast

Sections 4(d) and 10(a) of the Endangered Species Act (ESA)

The West Coast Region issues permits and authorizations under sections 4(d) and 10(a) of the Endangered Species Act (ESA) for directed and incidental take of listed species along the West Coast under carefully defined circumstances and as long as such take will not jeopardize the continued existence of the species or adversely modify its critical habitat.

ESA Section 4(d) applies only to species listed as *threatened* and involves regulations (also known as 4(d) rules) to conserve these species. NOAA Fisheries uses ESA Section 4(d) rules to help streamline ESA compliance.

ESA Section 10(a)(1)(A) allows NOAA Fisheries to issue permits for the *purposeful or direct* take of an ESA-listed species only for scientific purposes or to enhance the propagation (such as through hatcheries) or survival of listed species.

ESA Section 10(a)(1)(B) of the Act allows NOAA Fisheries to issue permits for the *incidental* take of an ESA-listed species by a non-federal entity.

[Learn more about Permits and Authorizations under the Endangered Species Act >](#)

ESA Section 7(a)(2) requires federal agencies to consult with NOAA Fisheries when any project or action they take might affect an ESA-listed species or designated critical habitat. Under ESA Section 7(a)(2), NOAA Fisheries can authorize take that is incidental to actions that are funded, authorized, or carried out by a federal agency.

[Learn more about consultations under Section 7 of the Endangered Species Act >](#)

Endangered Species Act Section 4(d) Rules for Threatened Species

Section 4(d) of the Endangered Species Act (ESA) directs NOAA Fisheries to issue regulations necessary to conserve species listed as threatened. This applies particularly to "take," which can include any act that kills or injures threatened species, and may include habitat modification. The ESA prohibits any take of

species listed as endangered, but some take of threatened species that does not interfere with survival and recovery may be allowed.

NOAA Fisheries and the U.S. Fish and Wildlife Service, which also administers the ESA, use ESA Section 4(d) rules to allow for regulatory flexibility and help streamline ESA compliance for actions that have long-term benefits despite generally low-levels of take in the short term and that do not contribute to the threats facing a species' continued existence. [Read more about 4\(d\) rules here.](#)

NOAA Fisheries' ESA 4(d) rules apply take prohibitions to all actions except those within specified limits to the take prohibitions. The limits describe specific categories of activities that contribute to conserving threatened species.

West Coast ESA 4(d) Rules

- [Green Sturgeon](#) (June 2, 2010; 75 FR 30714)
- [Puget Sound Steelhead](#) (73 FR 55451; September 25, 2008)
- [Oregon Coast Coho](#) (73 FR 7815; February 11, 2008)
- [Upper Columbia River Steelhead](#) (71 FR 7158; February 1, 2006)
- [Threatened Steelhead \(10 Distinct Population Segments\)](#) (71 FR 834; January 5, 2006)
- [Threatened Salmon \(16 Evolutionarily Significant Units\)](#) (70 FR 37159; June 28, 2005)
- [14 Populations of Salmon & Steelhead](#) (65 FR 42421; July 10, 2000)
- [Salmon and Steelhead Tribal Resource Management Plans](#) (65 FR 42481; July 10, 2000)

Resources

- [Citizen's Guide](#) (PDF, 28 pages)
- [Electrofishing Guidelines](#) (PDF, 5 pages)
- [4\(d\) Rule Implementation Binder](#) (for an updated list of contacts, see our [Salmon and Steelhead Recovery Points of Contact](#))

Endangered Species Act Section 10 Scientific Research and Enhancement Permits

The West Coast Region reviews applications for and may issue permits under ESA Section 10(a)(1)(A) for scientific research on listed species along the West Coast or activities that enhance the propagation or survival of the species.

The West Coast Region also considers and may determine when proposed research activities qualify for limits to the take prohibitions, consistent with NOAA Fisheries' protective regulations under ESA Section 4(d) (called 4(d) rules), as explained above for [salmon](#), [steelhead](#), and [green sturgeon](#).

The ESA 4(d) rules contain a limit to the take prohibitions for specific scientific research and monitoring activities conducted by employees or contractors of the state fisheries agencies of California, Idaho, Oregon, and Washington, or as a part of a research and monitoring program overseen by or coordinated with those agencies. This process provides a way for NOAA Fisheries and the state fisheries agencies to coordinate and review research proposals. The state fisheries agencies screen all research applications and then work with NOAA Fisheries to ensure authorized research does not operate to the disadvantage of ESA-listed species.

NOAA Fisheries' research permits website, [Authorizations and Permits for Protected Species \(APPS\)](#), is designed to assist researchers in obtaining approval to conduct scientific research and monitoring activities of marine species, anadromous species, and other fish and invertebrates.