

Appendix

I

Overview of Authorization and Permit Types

Oregon Department of Fish and Wildlife administers the following type of permit pursuant to Oregon Administrative Rules (635-007-0900 and 635-043):

Oregon Scientific Take Permits

Oregon state scientific taking permits are required for taking of any fish and wildlife (including all marine and some freshwater invertebrates) in Oregon and Oregon's territorial waters for scientific study and educational purposes. See Oregon Administrative Rules 635-007-0900, 635-007-0910, and 635-007-0930 for fish permits and Division 43 for wildlife permits:

http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_635/635_tofc.html

The National Marine Fisheries Service (NMFS) administers the following types of permits and authorizations pursuant to the Endangered Species Act of 1973 (ESA) and Marine Mammal Protection Act of 1972 (MMPA):

Scientific Research and Enhancement Permits

Under Section 10 of the ESA, permits may be issued to take threatened or endangered species for scientific purposes or to enhance the propagation or survival of a species. Research conducted pursuant to a permit issued under the ESA must be consistent with the objectives identified in the species recovery or conservation plan. NMFS regulations implementing the provisions of the ESA section 10 can be found at 50 CFR Parts 222-226.

Permits to conduct research and/or enhancement on endangered or threatened Pacific marine/anadromous fish and invertebrates are issued by the NMFS West Coast Region. Information may be obtained by visiting the following web site:

http://www.westcoast.fisheries.noaa.gov/permits/01_esa_scientific_research_permits.htm

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Permits to conduct scientific research on other threatened and endangered species under NMFS' jurisdiction (e.g., sea turtles in water, shortnose sturgeon) are issued by the NMFS Permits and Conservation Division (Permits Division). More information and instructions for applying for these permits may be found at the following web site: http://www.nmfs.noaa.gov/pr/permits/esa_permits.htm.

Under Section 104 of the MMPA, permits may be issued for the taking or importing/exporting of marine mammals and marine mammal parts for scientific research and/or enhancement purposes. Research conducted on marine mammals must be *bona fide* (i.e., scientific research on marine mammals, the results of which – likely would be accepted for publication in a referred scientific journal; are likely to contribute to the basic knowledge of marine mammal biology or ecology; or are likely to identify, evaluate, or resolve conservation problems). NMFS regulations implementing the provisions of the MMPA Section 104 can be found at 50 CFR Part 216. More information and instructions for these permits may be found at the following web site: http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.htm.

Taking of Threatened Species under the 4(d) Rule of the ESA

Certain activities, including research and enhancement, that may result in the take of certain threatened species may be approved under 4(d) rules. These are not permits, but they do provide limits on take prohibitions. To determine if your activities can be covered under 4(d), click on the **New Researcher** button from the Home page and go through the “Pre-Application Guide.” For more information on 4(d) rules in Idaho, Washington, Oregon and California please visit the following web site: http://www.westcoast.fisheries.noaa.gov/permits/section_4d.html.

Incidental Take Permits/Authorizations under the MMPA and/or ESA

If you are conducting an activity that may affect marine mammals or ESA-listed species (but does not directly target them), you may be required to obtain some type of authorization or permit. Examples of such activities include: oil and gas development, research on other species, and fisheries. Coverage may be in the form of an incidental harassment authorization, letter of authorization, incidental take permit, and/or coverage through the ESA Section 7 process (and issuance of an incidental take statement under section 7(b)(4)), depending on the circumstance.

To determine what type of coverage you would need, use the “Pre-Application Guide” found on the left navigation bar in APPS. For additional information use the “Contact Us” link on APPS or visit the following web sites:

<http://www.nmfs.noaa.gov/pr/permits/incidental.htm>

http://www.nmfs.noaa.gov/pr/permits/esa_permits.htm.

Commercial or Educational Photography Permits for Marine Mammals

The 1994 amendments to the MMPA provided new authority to issue permits for educational and commercial photography involving only Level B harassment of non-ESA listed marine mammals (refer to the Glossary in [Appendix 2](#)). Presently, NMFS is reviewing such applications on a pilot basis and may publish a Proposed Rule in the *Federal Register* based in part on the information obtained from these applications (50 CFR 216.42). The commercial photography applications instructions can be obtained at the following web site: http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.htm#photo.

Note: These permits do not provide any authorization for activities involving ESA-listed species, methods involving Level A harassment, or scientific research.

Letters of Confirmation under the General Authorization for Marine Mammals

The 1994 amendments to the MMPA established a streamlined “General Authorization” (GA) procedure for obtaining permission to conduct research activities involving only Level B harassment (e.g., photo-identification, aerial surveys) on non-ESA listed marine mammals (i.e., species not listed as endangered or threatened under the ESA). If your research meets these criteria, you may be eligible to obtain a letter of confirmation under the GA. You should contact the Permits Division to confirm whether your research can be covered under the GA. Interim Final Regulations implementing the GA (50 CFR 216.45) were published by NMFS in the *Federal Register* on October 3, 1994 (59 FR 50372) and are available on the following web site:

http://www.nmfs.noaa.gov/pr/permits/general_authorization.htm

Note: In the event that your proposed research activities involve either (1) both ESA listed and non-ESA listed species, and/or (2) both Level A and Level B harassment activities, the scientific research permit requirements take precedence over the GA.

Public Display of Marine Mammals

Public display permits are required for the capture of marine mammals in the wild, for the importation of marine mammals, and for obtaining releasable rehabilitated marine mammals for purposes of public display. A permit is not required for the public display of marine mammals or for the exportation of marine mammals for public display. Exports of marine mammals require documentation from the foreign government. Applications for a public display permit and more information can be found at http://www.nmfs.noaa.gov/pr/permits/publicdisplay_permit.htm or by calling the Permits Division at (301) 427-8401.

Import and Export of Pre-Act Marine Mammal Parts (i.e., parts taken prior to 1972)

Marine mammal parts include any part of a marine mammal, both hard and soft, but do not include urine or feces. A letter of authorization is required for importing or exporting “pre-Act” marine mammal parts under NMFS jurisdiction for commercial or personal use. Pre-Act parts are either those marine mammal parts taken prior to enactment of the MMPA or those parts of species listed under the ESA that are at least 100 years old. Instructions for how to apply for authorization to import or export pre-Act marine mammal parts may be found at the following web site: http://www.nmfs.noaa.gov/pr/permits/parts_instructions.htm.

Receipt of Marine Mammal Parts from the NMFS Stranding Network under the MMPA

If you would like to receive marine mammal parts taken from stranded marine mammals after 1972 for use in scientific research, education, or curation, please contact the appropriate NMFS Stranding Network Coordinator at the following web site: <http://www.nmfs.noaa.gov/pr/health/coordinators.htm>.

Note: If you intend to develop cell lines from such parts for research purposes, you must apply for an MMPA and/or ESA scientific research permit.