

<b><i>NATIONAL MARINE FISHERIES SERVICE PROCEDURE 02-110-27</i></b> Effective on: July 1, 1994	
To be reviewed on: October 1, 2023	
Protected Resources Management Conservation of Threatened and Endangered Species	
Policy for Endangered Species Act Section 9 Prohibitions	
<b>NOTICE:</b> This publication is available at: <a href="http://www.nmfs.noaa.gov/op/pds/index.html">http://www.nmfs.noaa.gov/op/pds/index.html</a>	
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<b>Type of Issuance:</b> Renewal, August 2018	
<b><i>SUMMARY OF REVISIONS:</i></b> This policy was previously classified as ‘MOAs/MOUs/Cooperative Agreements/inter-Agency Cooperative’ (PDS number 02-301-10). This a joint policy with FWS regarding the Endangered Species Act, so the policy has been renewed under the policy directive that establishes the framework for NMFS ESA implementation (02-110).	
Signed _____ Donna Wieting Director, Office of Protected Resources	
Date _____	

I. Introduction

Section 9 of the Act prohibits certain activities that directly or indirectly affect endangered species. This policy establishes a procedure at the time a species is listed as threatened or endangered to identify to the maximum extent practicable those activities that would or would not constitute a violation of section 9 of the ESA, and to increase public understanding and provide as much certainty as possible regarding the prohibitions that will apply under section 9.

II. Objective

By identifying activities likely or not likely to result in violation of section 9 at the time a species is listed, NMFS intends to increase public awareness of the effect of the listing on proposed and ongoing activities within a species' range.

III. Guidance

The July 1, 1994 Federal Register Notice *Endangered and Threatened Wildlife and Plants: Notice of Interagency Cooperative Policy for Endangered Species Act Section 9 Prohibitions*, published by Fish and Wildlife Service and NMFS (<https://www.federalregister.gov/documents/1994/07/01/94-16023/endangered-and-threatened-wildlife-and-plants-notice-of-interagency-cooperative-policy-for>), is NMFS' official policy. That Notice should be cited when referencing this policy.