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