

FREQUENTLY ASKED QUESTIONS - SCIENTIFIC RESEARCH

ON LINE APPLICATION

What is the 4(d) RULE?

A "4(d) Rule" establishes protective regulations that apply to a species listed as threatened under the Endangered Species Act (ESA). For species listed as threatened, section 4(d) of the ESA provides that the National Marine Fisheries Service (NOAA Fisheries) or the U.S. Fish and Wildlife Service (USFWS) shall issue regulations deemed "necessary and advisable to provide for the conservation of the species." These protective regulations for threatened species may include any or all of the ESA section 9 prohibitions that apply automatically to protect endangered species. In addition, they may contain specific proscriptions or exceptions instead of, or in addition to, the general prohibitions against harming or killing a listed species. Thus, a 4(d) rule can be used to make exceptions for certain activities from the section 9 prohibitions so long as the programs adequately protect the listed species.

What is the 4(d) research limit?

You will find information on this at the following NOAA Fisheries web-page:

<http://www.nwr.noaa.gov/1salmon/salmesa/4ddocs/4dwsbinder.htm#Limit%20No.%207:%20Scientific%20Research%20Activities>.

What authorization do I need for...?

- ***Marine species under federal management.*** Several species of marine fish are managed by the federal government and authorization to take or survey these species in federal waters (0-200 miles offshore) must be obtained from NOAA Fisheries. If federally managed species are brought ashore in Oregon, an ODFW Scientific Take Permit is required. To obtain federal authorization, contact Carrie Nordeen at NOAA Fisheries at (206) 526- 6736 or carrie.nordeen@noaa.gov. Attach a copy of the NOAA fisheries authorization to your ODFW permit application when you apply. Pacific halibut is managed by the International Pacific Halibut Commission (IPHC). You must obtain authorization from IPHC to take halibut in both state and federal waters. Please call (206) 634-1838 for more information.
- ***Marine species under state management.*** Marine species offshore of Oregon that are *not* under a federal management plan (FMP) with NOAA Fisheries are managed by the state of Oregon, regardless of whether they are taken in state or federal waters. For a list of federally managed species, contact NOAA Fisheries at (206) 526- 6736 or carrie.nordeen@noaa.gov.
- ***What are the conditions pertaining to scientific collecting aboard a commercial fishing vessel?*** If you are collecting or surveying marine species aboard a commercial vessel, the following conditions apply:
 - No commercial fishing may occur while the vessel is engaged in a scientific research trip.
 - One or more of the named collectors on the scientific take permit must be aboard the vessel during a research trip.
 - The skipper of the vessel and crew are not named as collectors.
 - The vessel federal ID no. and vessel name must be submitted to ODFW prior to the research trip, but preferably upon submitting the permit application.
 - The researcher and skipper may arrange to have the fish landed and sold to help pay for the cost of the survey. ODFW must be informed in this case.
- ***What are the conditions pertaining to scientific collecting aboard a sport charter fishing vessel?*** No recreational fishing may occur while the vessel is on a scientific collecting trip. Conversely, no scientific collecting may occur while the vessel is engaged in recreational fishing.

- **Federal ESA threatened and endangered species managed by NOAA Fisheries.** Since 1991, NOAA Fisheries has listed 26 stocks of west coast salmonids as threatened and endangered under the ESA. The stocks which are protected are referred to as Evolutionary Significant Units (ESUs). ESUs for 14 threatened species and three endangered species have been listed in the Pacific Northwest (Idaho, Oregon, and Washington). Maps of these can be found at <http://www.nwr.noaa.gov/1salmon/salmesa/mapswitc.htm>.

The table below lists all **threatened** species listed by NOAA Fisheries in the Northwest. Research affecting most, but not all, threatened species can be approved under the 4(d) rule. Snake River fall-run chinook salmon and Snake River spring/summer chinook salmon cannot be covered under the 4(d) rule. Researchers who may take Snake River fall-run chinook salmon and Snake River spring/summer chinook salmon and are using the web site to apply for an ODFW Scientific Taking Permit are required to provide ODFW with documentation of Section 7 consultation or a Section 10 permit with NOAA Fisheries.

ESU/Species	State	Status
Snake River Fall-run Chinook Salmon *	ID, OR, WA	Threatened
Snake River Spring/Summer-run Chinook Salmon *	ID, OR, WA	Threatened
Snake River Steelhead	ID, OR, WA	Threatened
Middle Columbia River Steelhead	OR, WA	Threatened
Lower Columbia River Chinook Salmon	OR, WA	Threatened
Lower Columbia River Steelhead	OR, WA	Threatened
Columbia River Chum Salmon	OR, WA	Threatened
Upper Willamette River Chinook Salmon	OR	Threatened
Upper Willamette River Steelhead	OR	Threatened
Puget Sound Chinook Salmon	WA	Threatened
Hood Canal Summer-run Chum Salmon	WA	Threatened
Ozette Lake Sockeye Salmon	WA	Threatened
Oregon Coast Coho Salmon	OR	Threatened
Southern Oregon/Northern California Coasts Coho Salmon **	OR	Threatened

* Cannot be covered under the 4(d) rule. Research that may affect these species must be covered under a Section 7 consultation or a Section 10 permit.

** Electrofishing in SONCC cannot be covered under the 4(d) rule. See below.

Research affecting **endangered** species cannot be approved under the 4(d) rule. Researchers who are using the web site to apply for an ODFW Scientific Taking Permit and may take the following species are required to provide ODFW with documentation of Section 7 consultation or a Section 10 permit with NOAA Fisheries.

ESU/Species	Status
Snake River Sockeye Salmon	Endangered
Upper Columbia River Chinook Salmon	Endangered
Upper Columbia River Steelhead	Endangered

- **Federal ESA listed species managed by US Fish and Wildlife Service (USFWS).** Researchers may not obtain Federal approval to take the following listed species using this web site. Researchers applying for an ODFW Scientific Taking Permit which may impact **bull trout, Lahontan cutthroat trout Oregon chub, Borax Lake chub, Lost River sucker, shortnose sucker, Hutton Spring tui chub, Warner sucker or Fosskett speckled dace** must provide ODFW with documentation of Section 7 consultation or a Section 10 permit with USFWS prior to a Scientific Taking Permit being issued by ODFW. For further information about USFWS permits contact USFWS at (503) 231- 6179 or view their website at <http://oregonfwo.fws.gov/EndSpp/FactSheets/FishSpecies.dwt>.
- **Southern Oregon and Northern California Coasts (SONCC) coho salmon.** Research in the SONCC coho salmon ESU is permitted under an interim 4(d) rule published in 1997 but may be applied for on this web site. However, the SONCC 4(d) rule **does not allow the use of electrofishing** in any body of water known or suspected to contain coho. Researchers must therefore obtain a Section 10 permit or Section 7 consultation for electrofishing that is likely to take listed coho. Researchers may apply for an ODFW Scientific Taking Permit using the web site but are required to provide ODFW with documentation of Section 7 consultation or a Section 10 permit with NOAA Fisheries.
- **Naturally produced Lower Columbia coho salmon.** Naturally produced Lower Columbia coho salmon, are listed as endangered under the State ESA in Oregon. You can be authorized to take Lower Columbia coho under an ODFW Scientific Taking Permit. Researchers may apply for an ODFW Scientific Taking Permit using the web site; no Federal approval is necessary for Lower Columbia coho salmon.
- **Boat electrofishing.** Boat electrofishing cannot be approved under the 4(d) rule. A section 10 permit or section 7 consultation is required for boat electrofishing in any ESU that has Federally listed fish. If you have either of these other Federal authorizations for boat electrofishing, you must still apply for an Oregon Scientific Taking Permit using the web site. Please be sure to provide this information on the “Federal Information” page of the on line application. For more information on other Federal authorizations for scientific research, contact Leslie Schaeffer at (503) 230-5433 or leslie.schaeffer@noaa.gov.
- **Fish salvage operations.** Fish salvage operations that can be anticipated and planned may be approved under the 4(d) rule. Emergency fish rescue and salvage may be covered under a separated section (Limit 3) of the 4(d) rule. For more information about rescue actions in Oregon, contact ODFW at fish.research@state.or.us. For information about Federal coverage for these activities contact Leslie Schaeffer at (503) 230-5433 or leslie.schaeffer@noaa.gov.
- **Snorkeling and stream survey activities.** These activities fall under the “observe/harass” take category and do not need approval under the 4(d) research limit. **HOWEVER**, we strongly encourage you to submit an application for an ODFW Scientific Taking Permit, as the data that you collect through these activities is valuable information for Oregon’s fish distribution mapping efforts.
- **Hatchery or broodstock related projects.** These projects, and any research directly related to them, should be covered by Hatchery and Genetic Management Plans (HGMPs). Do not use this web site for hatchery activities. For more information about HGMPs, contact Robert Bayley, SFD 4(d) Coordinator at (503) 230-5432 or robert.bayley@noaa.gov.
- **Fisheries related projects.** Recreational, commercial, and tribal fisheries projects and research directly associated with these fisheries should be covered by Fishery Management and Evaluation Plans (FMEPs). Do not use this web site for fisheries related activities. For more information about FMEPs, contact Robert Bayley, SFD 4(d) Coordinator at (503) 230-5432 or robert.bayley@noaa.gov.
- **Collection of freshwater mussels or crayfish.** You do not need authorization to collect these species in Oregon, however if you are using a method that will also capture fish, you will need to apply for state and/or Federal approval.
- **Collection of macroinvertebrates.** If you are using a method that will also capture fish (i.e., use of a D- net of kick net), you will need to apply for state and/or Federal approval.

- **Collection of amphibians or reptiles.** An ODFW Scientific Taking Permit is required to capture or handle state threatened or endangered amphibians or reptiles protected under Oregon Administrative Rules. A permit for collection of these species must be obtained from Oregon Department of Fish and Wildlife – Wildlife Division. The application form can be found at <http://www.dfw.state.or.us/ODFWhtml/InfoCntrWild/InfoCntrWild.html> under Wildlife Division / Administrative, Organizational / Licenses & Permits. Please see the following weblink for the listing of threatened and endangered species in Oregon: http://www.dfw.state.or.us/ODFWhtml/Wildlife/t_e.html.
- **Collection of fish for personal aquaria.** In Oregon, transport authorization is required to collect fish for aquaria. No State or Federal listed endangered, prohibited, or sensitive species can be collected for personal aquaria. All requests to transfer and hold fish in aquaria are reviewed by ODFW Fish Division on a case-by-case basis. For more information contact Rhine.T.Messmer@state.or.us.

Under what circumstances do I need a transport permit in Oregon?

If you are collecting fish or marine invertebrates in Oregon and transporting them live you will need transport authorization. If you indicate on your application that your method of take includes the transport of live animals in Oregon, you will be prompted for information regarding the transport and holding of those animals. Transport will be authorized under your ODFW Scientific Taking Permit.

If the transport **is not** directly connected to take activities authorized in your permit then a separate transport permit is required. The application form may be requested from Rhine.T.Messmer@state.or.us.

If you are collecting species in another state and want to transport them into Oregon then a separate transport permit is required. The application form may be requested from Rhine.T.Messmer@state.or.us. You must also obtain any required permits for collection and transport for the state where the species are collected.