

## West Coast ESA 4(d) Rules Overview

**The Problem:** Salmon and steelhead have been in decline as watersheds all along the West Coast produce fewer and fewer fish. Populations have disappeared altogether from many places where they once flourished, and those fish that remain face extinction.

**The Action:** The Endangered Species Act has been triggered because actions required to protect the fish and avoid this disaster are not in place. ESA Section 4(d) requires the National Marine Fisheries Service to issue regulations "to provide for the conservation of such species" when it lists fish populations as "threatened."

**Scope of the Action:** These 4(d) rules apply to ocean and inland areas, and to any entity subject to U.S. jurisdiction. Activities that do not kill or harm protected fish do not require any authorization under these rules. No "take" equals no problem. These rules protect 14 distinct groups of salmon and steelhead from central California to the Canadian border, and east through the Columbia Basin to Montana (see map). Similar regulations are already in effect across the Snake River and central California basins, and along the central California coast, for some listed salmon, steelhead and bulltrout.

**Purpose of the Action:** All government jurisdictions, industries and members of the public have roles and responsibilities in saving these species. The 4(d) rules protect our listed fish until tailor-made measures that account for local conditions and circumstances are ready to take their place. The rules apply blanket restrictions against killing or injuring threatened fish, except where tailor-made measures address the species' basic biological requirements. Those blanket restrictions include impacts to fish habitats that impair breeding, spawning, rearing, migrating, feeding or sheltering. The 4(d) rules offer state, tribal and local jurisdictions a practical option for assuring that their programs meet the species' biological requirements, and so comply with the Endangered Species Act. This simplifies things for citizens, since compliance with an approved state or local program also means compliance with the ESA, and no additional regulations.

**Effective Dates:** Governments, organizations and citizens across four states need to assess the consequences of their activities and implement adjustments needed to protect threatened fish and comply with the 4(d) rules. After time to review the rules, NOAA Fisheries will hold public workshops to help people understand and comply with these regulations. Therefore the 4(d) rule for salmon will take effect 180 days after publication in the Federal Register. The steelhead 4(d) rule schedule is controlled by a court order, so it will take effect 60 days after publication.

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