NOAA Fisheries Service
Southwest Region
NEWS RELEASE

501 W. Ocean Blvd., Ste. 4200 / Long Beach, CA 90802

Contact: Mike Fergus / (562) 980-4022
Brian Gorman / (206) 526-6613

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Protective Measures Announced for Salmon and Steelhead Populations

[14 populations overall (3 in California), to be protected by ESA, Sec. 4(d)]

Numerous populations of salmon and steelhead throughout the northwest and California will have added protection beyond just their listed status as 'threatened' under the Endangered Species Act. The NOAA Fisheries Service today issued its Final "4(d) Rule" protective measures package for 14 populations of "threatened" salmon and steelhead from California's Central Valley to Washington's Puget Sound.

With simultaneous announcements from the Fisheries Service Northwest and Southwest regional offices in Seattle, Washington and Long Beach, California, the agency described the application of Section 4(d) of the Endangered Species Act as both "fish-friendly and people-friendly".

Affected by today's announcement are three populations, or Evolutionarily Significant Units (ESUs), of steelhead in California (see atch'd maps): the *Central Valley ESU* encompassing the Sacramento and San Joaquin Rivers and their tributaries (excluding San Francisco and San Pablo Bays and their tributaries); the *Central California Coast ESU* from the Russian River in Sonoma county to Aptos Creek in Santa Cruz county and drainages of San Francisco and San Pablo Bays to the Napa River inclusive; and the *South-Central California Coast ESU* including streams from the Pajaro River and itself down to, but not including the Santa Maria River.

The final rule will allow flexibility for the Fisheries Service to permit limited incidental take of fish listed as "Threatened" if specific guidelines are followed to protect the health of listed populations overall. These guidelines, known as "limitations on take prohibitions," are designed to complement efforts underway in California and the Northwest to protect salmon and steelhead and their habitats.

According to Jim Lecky, Assistant Regional Administrator for the SW Regional office in Long Beach, CA, "The new steelhead rule we are publishing today will serve as an important complement to the CALFED Bay-Delta Program which has been developed by Federal and State agencies, in conjunction with stakeholders, to restore the ecological health of the Bay-Delta ecosystem in California's Central Valley."

Lecky said the steelhead rule should facilitate implementation of CALFED programs related to water diversion screening, habitat restoration based on watershed conservation planning, and scientific research programs.

In addition, he indicated the rule provides a strong incentive for non-CALFED program activities in the Central Valley to be managed in a way that will help recovery steelhead and thus contribute to the CALFED program's goal of restoring ecological health to the Sacramento-San Joaquin River watershed and Bay-Delta ecosystem. Lecky emphasized that the rule will not be an impediment to implementing the CALFED program, nor will it affect any of the Federal ESA commitments that are part of the program.

"Historically, 4(d) Rules sometimes constrained other local protective and conservation programs from being considered in place of the rules," said Lecky. "Today's final rule will allow exceptions depending on how well state and local conservation programs protect the listed 'threatened' species."

Under the proposed rules, restrictions would be placed on activities that could harm or 'take' listed fish or their habitat, such as fishing, development that degrades habitat, lowered water quality or unauthorized water consumption. However, these restrictions could be loosened to allow a limited incidental 'take' if state or local conservation programs are adequate to protect the overall health of the listed populations.

This new approach to implementing Section 4(d) will eliminate the need for ESA-related permits for activities covered by approved conservation plans, and significantly increase the ease with which ordinary citizens can comply with the law as well.

The rules themselves, except for those applying to steelhead, won't go into effect until December. The steelhead rules, which are essentially identical to those governing chinook, coho, chum and sockeye, will become effective August 19, because their schedule is controlled by a court order.

This final rule was preceded by draft rules, which were discussed at 25 public hearings in California, Washington, Oregon and Idaho, and were the subject of more than 6,500 public comments.

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