



NOAA FISHERIES

West Coast Region

Final Rule for Endangered Species Act Section 10(j) and 4(d) Rule for San Joaquin River Chinook Salmon

Frequently Asked Questions

What action is NOAA Fisheries taking?

The final rule designates an experimental population of Central Valley spring-run Chinook salmon and establishes take exceptions for particular activities relating to the reintroduction of this threatened species to the San Joaquin River.

Why is this reintroduction happening?

The reintroduction of Central Valley spring-run Chinook salmon into the San Joaquin River Basin is part of the San Joaquin River Restoration Program, a restoration program that is being implemented as part of a legal settlement. The San Joaquin River Restoration Settlement Act (Settlement Act) requires that the reintroduction of spring-run Chinook salmon must be done as an experimental population, by using section 10(j) of the Endangered Species Act (ESA), and with special exceptions using ESA section 4(d). This approach ensures that the reintroduction complies with impact restrictions on specific Third Party water uses as called out in the Settlement Act.



Are there other protections for these fish outside of the specific experimental population area?

Outside of the experimental population area, Central Valley spring-run Chinook salmon will continue to be covered by the take prohibitions and exceptions applicable to the non-experimental part of the ESA listed evolutionarily significant unit (50 CFR 223.203), but additional limited take exceptions will now apply to meet the de minimus conditions of the Settlement Act.

In the lower San Joaquin River and its tributaries, including the Merced River, downstream from its confluence with the Merced River to Mossdale County Park in San Joaquin County, take of spring-run Chinook salmon is allowed in certain cases that may cause water supply reductions, additional storage releases, or bypass flows on

unwilling water diverters. This applies to spring-run Chinook salmon that may occur in the lower San Joaquin River and its tributaries, and is not specifically limited to reintroduced Central Valley spring-run Chinook salmon.

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The operations of the Central Valley Project and State Water Project are also covered by the de minimus conditions of the Settlement Act. NOAA Fisheries will adjust the operational requirements of these projects to account for reintroduced spring-run Chinook salmon to insure de minimus: water supply reductions, additional storage releases, or unwilling bypass flows associated with the operations of the Central Valley Project and State Water Project.

What is happening on the ground to reintroduce Central Valley spring-run Chinook?

The reintroduction of salmon into the San Joaquin River is a long-term process. The San Joaquin River Restoration Program began this process in 2010 with a pilot captive broodstock study using fall-run Chinook salmon. The San Joaquin River Restoration Program also released juvenile fall-run Chinook salmon into the Restoration Area for studies in 2011 and adults have been released below Friant Dam for studies in the fall of 2012 and 2013. Similar studies will continue into the future.

Small numbers of spring-run Chinook salmon will be released initially to help the Restoration Program better understand spring-run Chinook salmon needs in the river. Currently, little information is available as to how these fish will behave in a river that has been dry for 60 years. Later releases will take this information into account and allow for better success of the reintroduction.

The experimental population includes fish from both hatchery and wild production. The use of a conservation hatchery facility permits the development of conservation broodstock that will: minimize take of additional wild spring-run stocks, allow for careful genetic management of fish released for reintroduction, and increase the number of juveniles available for release.

Are there additional regulatory actions associated with this action?

The ESA requires that any spring-run Chinook salmon used for study and reintroduction purposes, including direct release into the San Joaquin River, is subject to permit requirements under sections 10(a)(1)(A) and 4(d) of the ESA. No studies or reintroduction activities will occur on the San Joaquin River without a 10(a)(1)(A) permit or 4(d) authorization.

NOAA Fisheries issued a 10(a)(1)(A) permit to the U.S. Fish & Wildlife Service (USFWS) in October 2012. The permit allows USFWS to collect spring-run Chinook salmon eggs from the Feather River Hatchery to develop techniques for captive broodstock cultivation that may assist in the San Joaquin River reintroduction process. We are reviewing a second 10(a)(1)(A) permit application submitted by the USFWS that proposes to collect and release hatchery produced spring-run Chinook salmon to the San Joaquin River as eggs or juveniles, beginning in the spring of 2014.

Section 4(d) of the ESA requires NOAA Fisheries to issue regulations “necessary and advisable” to provide for the conservation of a threatened species. Under a 4(d) rule, we have more leeway to take local concerns into account when preparing the management strategies and thus can avert unnecessary restrictions on current and future land uses and activities. This designation increases NOAA Fisheries’ flexibility and discretion in managing reintroduced protected species.

How will we know when the reintroduction is successful?

A significant milestone will be when the Restoration Program can release salmon into the river in enough numbers that some fish return to contribute to future populations.

Who should I contact if I want to learn more about the reintroduction?

For information specific to the experimental population rule, contact:

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For more information, visit:

NOAA Fisheries West Coast Region

http://www.westcoast.fisheries.noaa.gov/central_valley/san_joaquin/san_joaquin_reint.html

San Joaquin River Restoration Program:

<http://restoresjr.net>