

Rescinding the Blanket 4(d) Rule

The ESA provides protections that distinguish between endangered species and threatened species. Full protections are automatically applied to endangered species, but the Services can tailor protections for threatened species by means of species-specific “4(d) rules.” These protections will specifically address the specific threats to the species.

Protections are not being removed for threatened species. Every species is different, making a one-size-fits-all approach inefficient in recovering species. The Services are using the provisions of the ESA that ensure the appropriate protections for each species.

This reform is not retroactive and will affect only future listings and downlisting from endangered status to threatened status.

Protections for threatened species will not suffer as a result of changes to the 4(d) rule.

FWS has, on its own initiative, often developed species-specific 4(d) rules when listing species as threatened during the last decade. For example, the California tiger salamander 4(d) rule allows grazing to continue because this use kept the habitat intact for the salamander.

USFWS has also long had a “blanket 4(d)” rule that automatically applies all the ESA’s protections in cases where FWS has not developed a species-specific 4(d) rule. To be more consistent with the ESA and its intended system of tiered protection, USFWS is rescinding this blanket 4(d) rule. The agencies are adopting the same proven strategy that NOAA has implemented for decades.