

**OREGON COAST COHO:
THE ENDANGERED SPECIES ACT: A LEGAL CHRONOLOGY**

- 1900 to 1980s** Oregon coastal coho decline from 1.39 million circa 1900 to 190,000 in the 80s.
- July 1993** Oregon Trout petitions to list Oregon coastal coho.
- 20 October 1993** Pacific Rivers Council leads 24 regional and national environmental groups and the Western Division of the American Fisheries Society in petitioning the National Marine Fisheries Service (NMFS) to list all west coast coho salmon from California to British Columbia.
- 1 June 1995** Suit filed by conservation groups to compel NMFS to issue proposed coho listing rule, more than 7 months after the due date.
- 25 July 1995** NMFS finds coho in serious decline and proposes to list as threatened coastal coho salmon populations along the West Coast from the Columbia River to central California and initiates a formal review process prior to a final decision.
- 15 December 1995** U.S. District court orders issuance of a final regulation regarding listing shall take place by July 25, 1996.
- 31 October 1996** NMFS delays for six months its decision on Oregon coastal coho.
- 25 April 1997** NMFS finds that Oregon Coast ESU does not warrant listing, largely in reliance on the Oregon Plan for Salmon and Watersheds, and proposes another status review in three years.
- 25 September 1997** Lawsuit filed challenging NMFS' authority to refrain from listing coastal coho in Oregon based on future actions under The Oregon Plan and asking court to compel listing.
- February 1998** Coho counts published for 1997. Returns in Oregon reach 50-year low. Only 24,000 returned. (Source: Pacific Fishery Management Council)
- 1 June 1998** U.S. District Court of Oregon Magistrate Stewart pronounces NMFS' April 1997 decision deferring coho listing is illegal, orders reconsideration, and holds that the ESA doesn't permit NMFS to consider the biological effects of future or voluntary conservation measures.
- 4 June 1998** Oregon appeals Stewart decision and requests stay.
- 3 August 1998** NMFS lists Oregon coastal coho as threatened in response to court decision.

- 8 January 2001** Take prohibition for Oregon coastal coho goes into effect.
- September 2001** *Alsea* decision: Judge Michael Hogan of the U.S. District Court in Eugene finds that NMFS may not split a salmon ESU into two components -- hatchery and wild -- and then list only one of those components. The functional effect of the ruling is to de-list Oregon coast coho from protection under the ESA.
- 14 December 2001** Ninth Circuit Court of Appeals stays delisting of the Oregon Coast coho, which resulted from the *Alsea* decision.
- 24 February 2004** Ninth Circuit dismisses appeal of *Alsea* decision for lack of jurisdiction.
- 14 June 2004** Oregon coast coho salmon listing set aside as a result of Ninth Circuit dismissal of appeal.
- 14 June 2004** NMFS formally proposes to list Oregon coast coho as “threatened” under the federal ESA.
- 17 January 2006** NMFS announces that the Oregon coast coho is not warranted for listing, in reliance on Oregon’s scientific assessment of the coho’s viability, and withdraws its June 2004 proposal to list the population as threatened.
- 26 June 2006** Eight conservation and fishing organizations file complaint challenging NMFS’s decision to withdraw coho listing proposal.
- 13 July 2007** Magistrate Judge Stewart issues Findings and Recommendations recommending that NMFS’s decision not to list the coho be overturned because NMFS did not rely on the best available science.
- 9 October 2007** Judge King adopts in its entirety Magistrate Judge Stewart's recommendation that NMFS's decision not to list the coho be set aside. The Judge gives NMFS 60 days to issue a new listing decision that relies on the best available science. An additional 60 day extension was granted later October.
- 4 February 2008** NMFS announces it will list Oregon coast coho as threatened under the Endangered Species Act, designate critical habitat, and extend take prohibitions to wild coho.
- 12 May 2008** Oregon coast coho are officially listed as threatened under the Endangered Species Act (ESA).