

Northwest Region

April 2009



ESA Chronology for Oregon Coast Coho

October 1993: NOAA Fisheries receives a petition from Pacific Rivers Council and 22 others requesting the agency list Oregon coast coho salmon under the federal Endangered Species Act.

July 1995: NOAA Fisheries proposes to list Oregon coast coho as “threatened” under ESA.

October 1995: Oregon embarks on its Coastal Salmon Restoration Initiative to conserve and restore its coastal salmon and steelhead.

March 1997: The state completes its Salmon Initiative Plan and submits it to NOAA Fisheries.

May 1997: NOAA Fisheries determines Oregon coast coho is “not warranted” for listing under the ESA, based in part on Oregon’s conservation measures contained in the plan.

June 1998: The Federal District Court for Oregon rules that the “not warranted” determination for Oregon coast coho is arbitrary and capricious, saying the ESA doesn’t let NOAA Fisheries consider the biological effects of future or voluntary conservation measures.

August 1998: NOAA Fisheries lists Oregon coast coho as a threatened species under the ESA.

September 2001: *Alesea Decision*, Judge Michael Hogan of the U.S. District Court in Eugene, finds that the ESA does not allow NOAA Fisheries to 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.

November 2001: NOAA Fisheries begins developing a new hatchery policy to address issues raised in the Hogan decision and says it will apply the new policy to all listed salmon and steelhead on the West Coast.

November 2002: NOAA convenes the Oregon coast coho technical recovery team, charged with establishing biologically based delisting criteria and ESA recovery goals and serving as science advisors to recovery planning.

October 2003: Oregon begins its Coastal Coho Project to evaluate the effectiveness of the Oregon Plan at recovering Oregon coast coho; the state and NOAA Fisheries work jointly on the project. NOAA Fisheries provides more than \$200,000 to expedite the process.

June 2004: NOAA formally proposes to list Oregon coast coho as “threatened” under the federal ESA and issues its draft hatchery policy.

May 2005: Oregon releases the final report of its Coastal Coho Assessment, concluding Oregon coast coho are viable and likely to persist into the foreseeable future.

January 2006: NOAA Fisheries concludes formally that Oregon coast coho are “not likely to become endangered” in the foreseeable future and therefore listing them under the ESA is not warranted. The agency withdraws its ESA listing proposal.

June 2006: Trout Unlimited challenges NOAA Fisheries’ decision not to list.

July 2007: A U.S. District Court in Oregon rules that NOAA Fisheries’ decision not to list is “arbitrary, capricious, contrary to the best available evidence, and a violation of the ESA.”

October 2007: The U.S. District Court in Oregon invalidates the January 2006 decision not to list Oregon coast coho.

February 2008: In accordance with the district court’s opinion, NOAA Fisheries lists Oregon coast coho as “threatened” under the ESA.

April 2009: NOAA Fisheries Service initiates an ESA status review of Oregon coast coho.