

We've decided not to appeal the court order in the lawsuit over our July 2002 decision not to list the Southern Resident killer whales under the Endangered Species Act. In fact we're pleased with many aspects of the judge's ruling, such as the court's affirming our distinct population segment (DPS) policy.

Because we were faced with biological uncertainties about the taxonomy of killer whales, we stated in our status review finding that we'd conduct additional research and revisit our conclusions in four years. The order simply hurries us along. The results of NOAA's review will be completed by Dec. 17, 2004, in compliance with the court's order.

NOAA Fisheries and the Marine Mammal Commission are co-sponsoring a conference ([link to http://cmbc.ucsd.edu/about/cetaceanconf.cfm](http://cmbc.ucsd.edu/about/cetaceanconf.cfm)) in April, "Cetacean Systematics: Approaches in Genetics, Morphology and Behavior," partially funded by our Northwest Fisheries Science Center. Scientists will discuss the state of our knowledge about cetacean taxonomy and how to improve our understanding of it. As part of the week-long conference, one session will focus on killer whale taxonomy.

We plan to reconvene our killer whale experts to advise us in light of the court's order, and the latest research. We'll provide an opportunity for the public to submit information to assist us in our updated status review. Check back here for news about that process.