



## **Chronology of Petition & Subsequent Rulemaking for Southern Resident Killer Whales**

(November 2006)

**May 2001:** Center for Biological Diversity petitions NOAA Fisheries Service to list Southern Resident killer whales as threatened or endangered under the Endangered Species Act.

**August 2001:** NOAA Fisheries Service formally accepts the petition and begins a process to determine if these killer whales qualify for protection.

**July 2002:** NOAA Fisheries Service determines that while the population of Southern Residents is falling and the whales are in trouble they don't meet the standards for protection under the ESA. Because of the way scientists classify all killer whales as a single world-wide species, the Southern Residents don't meet the criterion of biological "significance" and thus cannot be listed.

At the same time, NOAA Fisheries Service says that it will start the process to declare Southern Residents a "depleted" species under the Marine Mammal Protection Act.

**May 2003:** NOAA Fisheries Service officially declares Southern Resident killer whales to be "depleted" and begins work on a conservation plan for them, a plan that is essentially identical to the "recovery plan" that would be required if they had been listed under the ESA. The conservation plan will address the factors that may be causing the whales' decline.

**Dec. 17, 2003:** As a result of a court challenge brought by the original petitioners seeking listing status for the killer whales, NOAA Fisheries Service is told by a federal court to reconsider the process by which it determined listing eligibility and to make a new finding by Dec. 17, 2004.

**Dec. 16, 2004:** NOAA Fisheries Service announces it is proposing to list Southern Resident killer whales as "threatened" under the Endangered Species Act.

**December 04-March 05:** NOAA Fisheries Service takes public comment on its proposed listing determination, holds meetings and hearings, and conducts peer review.

**Nov. 15, 2005:** NOAA Fisheries Service announces it has listed Southern Resident killer whales as "endangered" under the Endangered Species Act.

**June 9, 2006:** NOAA Fisheries Service announces proposed critical habitat for the Southern Residents.

**Nov. 28, 2006:** NOAA Fisheries Service announces final critical habitat for the Southern Residents.