

## **Key dates and events in the history of the Bull Trout listing**

Wild Rockies Alliance

September 1985- The bull trout is listed as a sensitive species by the U.S. Forest Service, elevating it to C2 candidate species status, meaning it is eligible for protection under the Endangered Species Act.

August 1990- Alliance for the Wild Rockies, Friends of the Wild Swan, and Swan View Coalition begin comprehensive two-year review of all available scientific data on the status of the bull trout.

October 28, 1992- Alliance for the Wild Rockies, Friends of the Wild Swan, and Swan View Coalition submit formal petition to the U.S. Fish and Wildlife Service (USFWS) requesting listing of bull trout pursuant to the Endangered Species Act. The petition also seeks emergency listing of most threatened populations and seeks concurrent designation of critical habitat.

May 17, 1993- U.S. Fish and Wildlife Service issues "positive" 90-day finding on the bull trout petition, determining that the petition "presents substantial biological information that the petitioned action may be warranted." The positive finding triggers an official status review and starts the clock towards a twelve-month finding.

June 6, 1994- U.S. Fish and Wildlife Service publishes finding on the petition, declaring that bull trout are "warranted but precluded" for listing under the Endangered Species Act, assigning it a Priority #9. (Note: this finding was issued after petitioners filed a lawsuit because USFWS had failed to meet their required deadline).

November 1, 1994- Alliance for the Wild Rockies and Friends of the Wild Swan file suit against the U.S. Fish and Wildlife Service challenging the "warranted but precluded" finding.

December, 1994- Alliance for the Wild Rockies, Friends of the Wild Swan, Swan View Coalition and Kettle Range Conservation Group file suit against the U.S. Forest Service for failing to provide for viable populations of bull trout as required under the National Forest Management Act.

January 31, 1995- U.S. Fish and Wildlife Service Regional Director Michael Spear changes priority ranking for bull trout to a Priority #3, the highest possible ranking.

March 14, 1995- The U.S. Forest Service and U.S. Bureau of Land Management publish Federal Register notice regarding a "Proposal to Prepare Interim Direction for Native Inland Fish Habitat Management" (INFISH). The proposed action, documented in an Environmental Assessment, covers 23 National Forests in three regions.

April 14, 1995- Alliance for the Wild Rockies, Friends of the Wild Swan, and Swan View Coalition file suit against the U.S. Fish and Wildlife Service Creston Fish Hatchery,

seeking an injunction against out-planting of hatchery bull trout in streams and lakes in the U.S. Hatchery director Wade Fredenberg states there are no plans to release the fish. However, a 1994 memo from Fredenberg to a tribal biologist with the Salish and Kootenai Tribes states that U.S. Fish and Wildlife Service is searching for suitable sites for release of hatchery fish in 1995.

June, 1995- U.S. Fish and Wildlife Service issues its recycled finding on the petition, declaring that bull trout are again "warranted but precluded" for listing under the Endangered Species Act, changing the ranking back to a Priority #9. The court dismisses the listing lawsuit because the new finding was issued. AWR and FOWS appeal to the Ninth Circuit Court. Ninth Circuit agrees with plaintiffs that the issuance of a new finding means that decisions can never be challenged (capable of repetition but evading review).

March, 1996- U.S. Fish and Wildlife Service Creston Fish Hatchery state that they will not out-plant bull trout raised at the hatchery into open streams or lakes. The hatchery-raised bull trout are stocked into Duck Lake, a closed-basin lake on the Blackfoot Reservation. U.S. Fish and Wildlife Service further agrees that they will not proceed with a hatchery program for bull trout unless they undergo the environmental assessments required by the National Environmental Policy Act.

November, 1996- The district court finds that Fish and Wildlife Service was "arbitrary and capricious" in not listing bull trout in its 1994 and 1995 findings. They are ordered to reconsider the findings.

May 2, 1997- The court ruled that the U.S. Forest Service bull trout protection plans (PACFISH, INFISH and President's Plan) are inadequate as long-term strategies to ensure bull trout viability. Since most remaining bull trout populations are on Forest Service lands, this means existing regulatory mechanisms are inadequate.

June 13, 1997- U.S. Fish and Wildlife Service propose bull trout in the Klamath and Columbia River Basins as endangered and threatened, respectively, under the Endangered Species Act. Bull trout in the Puget Sound area of Washington, Jarbidge drainage in Nevada, and Saskatchewan drainage in north-central Montana are not proposed for listing.

July, 1997- Alliance for the Wild Rockies and Friends of the Wild Swan file suit challenging the U.S. Fish and Wildlife Service's decision not to list bull trout in the Puget Sound area, Jarbidge River, and Saskatchewan drainage.

December 4, 1997- District Court finds Fish and Wildlife Service "arbitrary and capricious" for not proposing Endangered Species Act protection for all bull trout within the conterminous United States.

June 10, 1998- Bull trout in the Columbia and Klamath River Basins listed as "threatened." Bull trout in the Coastal Puget Sound, Jarbidge, and Saskatchewan drainages proposed for listing.

June 1998- Court dismisses viability case against Forest Service because the agency promised long-term strategy for bull trout viability in the Interior Columbia Basin Ecosystem Management Plan. Plaintiffs appeal to the Ninth Circuit Court.

August, 1998- Bull trout in the Jarbidge drainage are emergency listed as "endangered" because Elko County illegally began reconstructing the Jarbidge road that had washed out. The Forest Service was preparing an Environmental Assessment on the road and was leaning towards not rebuilding it.

April 8, 1999- Jarbidge bull trout listed as "threatened."

November 1, 1999- Coastal Puget Sound and St. Mary River bull trout listed as "threatened."

1999- Plaintiffs dropped appeal to the Ninth Circuit Court on the bull trout viability case due to adverse and conflicting decisions in other circuits and with bull trout listing range-wide Plaintiffs felt it was better to let the USFWS determine viable populations of bull trout rather than the Forest Service.

January 26, 2001- Alliance for the Wild Rockies and Friends of the Wild Swan file suit against the U.S. Fish and Wildlife Service for failing to designate critical habitat for bull trout as required under the Endangered Species Act.

April, 2001- USFWS admit they should have designated critical habitat.

December, 2001- AWR, FOWS, and USFWS reach settlement agreement setting out timeline for critical habitat designation and allowing for 120-day public comment period prior to draft habitat notice to allow new information to be provided to the USFWS.

[www.wildrockiesalliance.org](http://www.wildrockiesalliance.org)