

Chronology of Events

Pertaining to the Petition to List Westslope Cutthroat Trout as a Threatened Species

June 6, 1997.—Fish and Wildlife Service (Service) receives a petition to list the westslope cutthroat trout as a threatened species throughout its range, pursuant to the Endangered Species Act (Act). Petitioners are American Wildlands, Clearwater Biodiversity Project, Idaho Watersheds Project, Inc., Montana Environmental Information Center, Trout Unlimited's Madison-Gallatin Chapter, and Mr. Bud Lilly.

June 6, 1997.—Period of 90-day petition review begins. Service must decide whether or not the petition presents substantial information indicating that the requested action (listing) may be warranted.

July 2, 1997.—Service sends a letter to petitioners stating that, on the basis of the Service's final listing priority guidance published in the December 5, 1996 *Federal Register*, the Service has determined that the petition falls into the Tier 3 category (i.e. low priority) and that westslope does not face "imminent, high-magnitude threats." The Service will proceed with the 90-day finding when completion of ongoing, higher-priority activities allows available funds to be allocated to westslope cutthroat trout.

September 4, 1997.—End of 90-day period for petition review.

September 24, 1997.—Petitioners send a letter (i.e. 60-day notice of intent) to Interior Secretary and Service stating that, unless the Service promptly issues the 90-day finding, the petitioners intend to pursue federal court litigation for alleged violations of the Act.

January 25, 1998.—Service receives from the petitioners an amended petition, which contains a substantial amount of new information on westslope cutthroat trout.

January 25, 1998.—Period of 90-day review for amended petition begins. Service must decide whether or not the amended petition presents substantial information that listing may be warranted.

March 17, 1998.—Petitioners file a complaint in the U.S. District Court for the District of Columbia requesting that the court declare that the Service's failure to issue a 90-day finding is a violation of the Act, its implementing regulations, and the Administrative Procedures Act, and that the court issue a preliminary and permanent injunction requiring the Service to issue a 90-day finding on the petition and promptly publish such finding in the *Federal Register*. The complaint was filed before the end of the 90-day review for the amended petition.

April 1, 1998.—Service sends a letter to the petitioners stating that, although the tier system for prioritizing listing actions remains in full force and effect, the Service is proceeding with preparation of a 90-day finding on the amended petition.

June 10, 1998.—The Service publishes a notice in the *Federal Register* (63 FR 31691) of a 90-day finding that the amended WCT petition provided substantial information indicating that the petitioned action may be warranted and immediately began a status review for WCT. In the notice, the Service requested data, information, technical critiques, comments, or questions relevant to the amended petition.

July, 1998.—The Service receives requests to extend the comment period from the Montana Department of Fish, Wildlife and Parks, the Idaho Department of Fish and Game, and U.S. Forest Service Regions 1 and 4. As a result, the Service announces reopening of the comment period in the August 17, 1998 *Federal Register* (63 FR 43901) and indicates that comments on the 90-day finding should be submitted to the Service by October 13, 1998. A September 23, 1998 *Federal Register* (63 FR 50850) notice describes corrections to the preceding notice and the Service's need for 9 months from the date of the 90-day finding (June 10, 1998) to complete the status review.

September 30, 1998.—The U.S. District Court dismisses the petitioner's March 17, 1998 complaint pertaining to WCT.

March 26, 1999.—Legal representatives of the petitioners send a Notice of Intent to Interior Secretary Babbitt and the Service stating that, unless the Service promptly issued the 12-month finding, the petitioners intended to pursue federal court litigation for alleged violations of the Act.

August 5, 1999.—Legal representatives of the petitioners filed a complaint in the U.S. District Court for the District of Columbia requesting that the court declare that the Service's failure to issue a 12-month finding on the June 6, 1997 petition is a violation of the Act, its implementing regulations, and the Administrative Procedures Act, and that the court issue a preliminary and permanent injunction requiring the Service to issue a 12-month finding on the petition and promptly publish such finding in the *Federal Register*.

September, 1999.—The Service completes the status review for westslope cutthroat trout in the United States.

March 8, 2000.—The Service and its co-defendants reach an agreement with the plaintiffs that, among other things, on or before April 10, 2000, the Service shall submit for publication in the *Federal Register* a "warranted, not warranted, or warranted but precluded" determination regarding the westslope cutthroat trout in accordance with Section 4(b)(3)(B) of the Act.

April 6, 2000.—Service Director signs 12-month not-warranted finding for westslope cutthroat trout.