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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, et al.,
Plaintiffs,

Civ. No. 01-0640-RE (Lead Case)
CV 05-0023-RE
(Consolidated Cases)

and

STATE OF OREGON,
Intervenor-Plaintiff,

PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION OR,
IN THE ALTERNATIVE, FOR A
PERMANENT INJUNCTION

v.

NATIONAL MARINE FISHERIES SERVICE, U.S.
ARMY CORPS OF ENGINEERS, and U.S. BUREAU
OF RECLAMATION,

Defendants,

and

NORTHWEST IRRIGATION UTILITIES, PUBLIC
POWER COUNCIL, WASHINGTON STATE FARM
BUREAU FEDERATION, FRANKLIN COUNTY
FARM BUREAU FEDERATION, GRANT COUNTY

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
OR, IN THE ALTERNATIVE, FOR A PERMANENT
INJUNCTION - 1 -

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FARM BUREAU FEDERATION, and STATE OF
IDAHO,

Intervenor-Defendants.

COLUMBIA SNAKE RIVER IRRIGATORS
ASSOCIATION, and EASTERN OREGON
IRRIGATORS ASSOCIATION,

Plaintiffs,

v.

DONALD L. EVANS, in his official capacity as
Secretary of Commerce, NOAA FISHERIES, and D.
ROBERT LOHN, in his official capacity as Regional
Director of NOAA Fisheries,

Defendants.

Plaintiffs, National Wildlife Federation et al. (“NWF”), respectfully move the Court for a preliminary injunction, or in the alternative a permanent injunction,¹ against the U.S. Army Corps of Engineers (“COE”), the U.S. Bureau of Reclamation (“BOR”), and the National Marine Fisheries Service (“NMFS”). Specifically, NWF asks the Court to enjoin these agencies to reduce the harm to salmon and steelhead listed under the Endangered Species Act by managing all of the projects and facilities under their control in the Columbia River Basin to, inter alia,

¹ If the Court decides this motion before it rules on the pending cross-motions for summary judgment, NWF seeks a preliminary injunction on the above terms against NMFS, the COE and BOR. If the Court does not decide this motion until after it has ruled on summary judgment, and NWF prevails in whole or in part, NWF seeks a permanent injunction on the above terms against NMFS and a preliminary injunction against the COE and BOR (in the absence of consolidation of this motion with a hearing on the merits of NWF’s claims against the COE and BOR pursuant to Fed. R. Civ. P. 65(a)(2)). In either case, NWF reserves the right to seek further injunctive relief after August 31, 2005, for the spring and summer salmon migration seasons in 2006 and beyond until the defendants comply with the law.

(a) decrease (i.e., speed up) by at least 10% the water particle travel time in the Snake River from the head of Lower Granite reservoir to Ice Harbor between June 20, 2005, and August 31, 2005, with the decrease distributed evenly during this period, over what particle travel time would be under the Updated Proposed Action, the 2004 BiOp, and the agencies' estimate of average Snake River flows in July and August this summer of approximately 27,750 cubic feet per second (cfs) (which includes an estimated 300,000 acre feet of total flow augmentation water from the Upper Snake and 237,000 acre feet of water from Brownlee reservoir), through an appropriate combination of reservoir drawdown, additional flow augmentation, and other measures that would provide the most favorable migration conditions for listed species;

(b) decrease (i.e., speed up) by at least 10% the water particle travel time in the Columbia River from its confluence with the Snake River to Bonneville Dam between July 1, 2005, and August 31, 2005, with the decrease distributed evenly during this period, over what particle travel time would be under the Updated Proposed Action, 2004 BiOp, and the agencies' estimate of average Columbia River flows in July and August this summer of approximately 137,250 cfs, through an appropriate combination of reservoir drawdown, flow augmentation, and other measures that would provide the most favorable migration conditions for listed species;

(c) provide spill, (i) from June 20, 2005 through August 31, 2005, of all water in excess of that required for station service, on a 24-hour basis, at each of the four lower Snake River projects; and, (ii) from July 1, 2005 through August 31, 2005, of all flows above 50,000 cfs, on a 24-hour basis, at McNary Dam;

(d) comply with and implement, except to the extent superceded by the provisions of paragraphs (a) through (c) above, all of the measures of the RPA in the 2000 FCRPS BiOp.

With respect to the measures in paragraphs (a) through (c) above, NWF asks the Court to enjoin the Corps, BOR and NMFS to jointly file a report with the Court, within two weeks of entry of an injunction, setting forth the operational measures they will employ to comply with the terms of the injunction and, thereafter, file reports every two weeks, beginning two weeks after June 20, 2005, until two weeks after August 31, 2005, demonstrating compliance with these terms.

Finally, NWF asks the Court to enjoin NMFS to withdraw the 2004 BiOp.

This motion is based on the accompanying memorandum, NWF's summary judgment motion and supporting papers, the supplemental complaint previously filed with the Court, the declarations, exhibits, and other papers submitted herewith, and such other evidence as the Court deems proper.

Respectfully submitted this 21st day of March, 2005.

/s/ Todd D. True
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CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203, Seattle, Washington 98104.

On March 21, 2005, I served a true and correct copy of the following documents on the parties listed below:

1. Plaintiffs' Motion for a Preliminary Injunction or, in the Alternative, for a Permanent Injunction;
2. Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction or, in the Alternative, for a Permanent Injunction; and
3. Declaration of Stephen W. Pettit.

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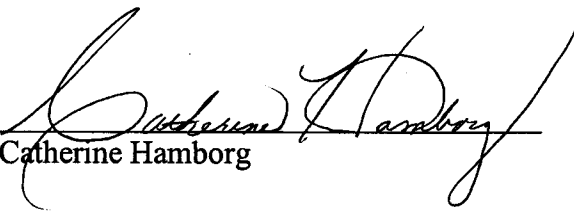
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I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of March, 2005, at Seattle, Washington.


Catherine Hamborg