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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION,  
AMERICAN RIVERS, PACIFIC COAST  
FEDERATION OF FISHERMEN'S  
ASSOCIATIONS, INSTITUTE FOR  
FISHERIES RESOURCES, SIERRA CLUB,  
IDAHO RIVERS UNITED, NORTHWEST  
SPORTFISHING INDUSTRY  
ASSOCIATION, NW ENERGY  
COALITION, COLUMBIA RIVERKEEPER,  
IDAHO CONSERVATION LEAGUE, and  
FLY FISHERS INTERNATIONAL, INC.,

Plaintiffs,

and

STATE OF OREGON, SPOKANE TRIBE OF  
INDIANS, and COEUR D'ALENE TRIBE,

Intervenor-Plaintiffs,

v.

NATIONAL MARINE FISHERIES

Case No. 3:01-cv-00640-SI

UNOPPOSED JOINT MOTION TO STAY  
LITIGATION

SERVICE, U.S. ARMY CORPS OF  
ENGINEERS, U.S. BUREAU OF  
RECLAMATION and U.S. FISH AND  
WILDLIFE SERVICE,

Defendants,

and

PUBLIC POWER COUNCIL, COLUMBIA-  
SNAKE RIVER IRRIGATORS  
ASSOCIATION, NORTHWEST RIVER  
PARTNERS, CONFEDERATED SALISH  
AND KOOTENAI TRIBES, STATE OF  
MONTANA, INLAND PORTS AND  
NAVIGATION GROUP, STATE OF IDAHO,  
and KOOTENAI TRIBE OF IDAHO,

Intervenor-Defendants.

### **LR 7-1 Conferral Certification**

Undersigned counsel certify that they made a good faith effort to confer with counsel for all parties and *amici* on this motion. Intervenor-Plaintiff Coeur d'Alene Tribe, and *amici* Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation support the motion.<sup>1</sup> The following parties and *amici* have no objection to this motion: Intervenor-Plaintiff Spokane Tribe of Indians; Intervenor-Defendants Public Power Council, State of Montana, State of Idaho and Kootenai Tribe of Idaho; *amici* Confederated Tribes of the

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<sup>1</sup> Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation full conferral statement is: "The Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation support the motion. However, these three sovereigns with reserved treaty rights in the Columbia River are concerned that there is, as of yet, no commitment by the moving parties to include these sovereigns in ongoing or contemplated future discussions or negotiations regarding 'a long-term comprehensive solution that, if successful, may resolve this litigation.'"

Colville Reservation, and Northwest Power and Conservation Council. The remaining parties and amici did not provide a response to the conferral email, sent Monday, October 18, 2021.

### **Joint Motion to Stay the Litigation on All Claims**

Plaintiff National Wildlife Federation et al., Plaintiff-Intervenor State of Oregon, and Federal Defendants, with the support of amicus Nez Perce Tribe (collectively, “the moving Parties”), file this joint motion to stay litigation on all claims in this matter, including but not limited to any preliminary injunction and/or summary judgment motions, until **July 31, 2022**.

“A district court has inherent power to control the disposition of the causes on its docket in a manner which will promote economy of time and effort for itself, for counsel, and for litigants.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). The moving Parties believe a stay of the litigation is warranted to allow the parties to engage in discussions that have the potential to resolve all claims in this long-running litigation. Specifically, the moving Parties have reached an agreement for short-term operations of the Columbia River System. For context and informational purposes only,<sup>2</sup> the agreement is attached as **Exhibit 1** (“Agreement”). The Agreement provides an interim compromise while the Parties work together to develop and begin implementing a long-term comprehensive solution that, if successful, may resolve all claims in this litigation. The moving Parties agree that any long-term comprehensive solution that resolves this litigation will involve collaboration with the states, tribes, and stakeholders involved in the litigation. With this Agreement and the parties’ commitment to long-term comprehensive solutions, the moving Parties believe that a short-term stay of the litigation is warranted. As such, the moving Parties respectfully ask the Court to stay the litigation through July 31, 2022, to facilitate these discussions.

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<sup>2</sup> The Agreement is not intended to constitute a consent decree, be entered as a Court order, or be enforceable in this action. Federal Defendants object to the entry of an order adopting or modifying any of the provisions of the Agreement, and Federal Defendants request an opportunity to be heard if the Court considers entering an order adopting or modifying any of the terms of the Agreement.

The moving Parties will file a status report with the Court by March 18, 2022, to provide an update on the status of progress on a long-term comprehensive solution.

DATED October 21, 2021.

Respectfully submitted,

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