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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

NATIONAL WILDLIFE FEDERATION,
et al.,

Plaintiffs,

and

STATE OF OREGON, et al.,

Intervenor-Plaintiffs,

v.

**NATIONAL MARINE FISHERIES
SERVICE,** et al.,

Defendants,

and

PUBLIC POWER COUNCIL, et al.,

Intervenor-Defendants.

Case No. 3:01-cv-640-SI

**JOINT STATUS REPORT RE: STAY OF
LITIGATION THROUGH 2028**

The National Wildlife Federation (“NWF”) Plaintiffs, the State of Oregon, the State of Washington, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Nez Perce Tribe, and Federal Defendants (collectively, the “Litigation Stay Parties”) respectfully provide this status update to the Court pursuant to the terms of the ongoing stay of litigation in the above-captioned matter. *See* ECF 2450-1 ¶ 6.4 (providing for annual status reports); Order, ECF 2466 at 5 (noting the “Moving Parties will update the Court annually on their progress”).

On February 8, 2024, this Court granted the Litigation Stay Parties’ joint motion to Stay Litigation through 2028. ECF 2466. The joint motion and this Court’s stay order were based on the December 14, 2023, Memorandum of Understanding (“MOU”) signed by the Litigation Stay Parties. *See* ECF 2450-1. The MOU attaches the Columbia Basin Restoration Initiative (“CBRI”) and the responsive United States Government Commitments in Support of the Columbia Basin Restoration Initiative (“USG Commitments”). *See* ECF 2450-1. As noted by the Court in granting the motion for a stay of litigation, the MOU, CBRI, and USG Commitments demonstrate a good faith effort to continue working to resolve the issues underlying this litigation through partnership and collaboration, rather than the courts. ECF 2466 at 5.

Since this Court ordered the stay of litigation, the Federal agencies have continued implementation of the USG Commitments, pursuant to paragraph 2 of the MOU, and the USG Operations, pursuant to paragraph 3 of the MOU. *See, e.g.*, Columbia River Task Force, *available at* <https://salmonrecovery.gov/crtf.html> (identifying announcements, documents and reports, and other information relevant to MOU implementation). The Litigation Stay Parties have engaged in regular communication per the Communication Protocol in paragraph 6 of the

MOU. No MOU party has initiated Dispute Resolution procedures pursuant to paragraph 7 of the MOU. No party has engaged in litigation that would trigger the termination or withdrawal provisions of paragraph 9 of the MOU. The Litigation Stay Parties intend to continue to work in good faith to implement the MOU throughout the duration of the MOU.

DATED January 14, 2025

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CERTIFICATE OF SERVICE

I certify that on January 14, 2025, I filed the foregoing through the Court's CM-ECF system, which will automatically notify counsel of record.

/s/ Michael R. Eitel
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U.S. Department of Justice