

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, IDAHO
WILDLIFE FEDERATION, WASHINGTON
WILDLIFE FEDERATION, SIERRA CLUB,
TROUT UNLIMITED, PACIFIC COAST
FEDERATION OF FISHERMEN'S
ASSOCIATIONS, INSTITUTE FOR FISHERIES
RESOURCES, IDAHO RIVERS UNITED, IDAHO
STEELHEAD AND SALMON UNITED,
NORTHWEST SPORT FISHING INDUSTRY
ASSOCIATION, SALMON FOR ALL,
COLUMBIA RIVERKEEPER, AMERICAN
RIVERS, INC., FEDERATION OF FLY FISHERS,
and NW ENERGY COALITION,

CV 01-640-RE

[PROPOSED]
ORDER

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

v.

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

Defendants,

and

STATE OF IDAHO, STATE OF MONTANA,
KOOTENAI TRIBE OF IDAHO, NORTHWEST
IRRIGATION UTILITIES, PUBLIC POWER
COUNCIL, WASHINGTON STATE FARM
BUREAU FEDERATION, FRANKLIN COUNTY
FARM BUREAU FEDERATION, GRANT
COUNTY FARM BUREAU FEDERATION, BPA

CUSTOMER GROUP, and CLARKSTON GOLF
& COUNTRY CLUB,

Intervenor-Defendants.

The Court has reviewed all of the materials submitted by the parties as well as Federal Defendants' request for a limited, voluntary remand. For the reasons set forth below, the Court grants Federal Defendants' request for a limited, voluntary remand.

The Court finds that due to the length of the previous remand, complexity of the existing litigation, and the significant effort by all of the parties throughout this entire case, there is good cause to allow a limited, voluntary remand. The Court does not find any legal deficiency at this time and will review the legal adequacy of the agency actions upon completion of this voluntary remand. Accordingly, the Court orders as follows:

1. The Court hereby remands the record in this case to NOAA Fisheries, Bureau of Reclamation, and the U.S. Army Corps of Engineers ("Agencies") to allow these Agencies to consider integrating the Adaptive Management Implementation Plan and its administrative record into the administrative records for the 2008 Federal Columbia River Power System Biological Opinion.
2. The Agencies are instructed to limit this remand to the sole consideration of integrating the Adaptive Management Implementation Plan and its administrative record into the administrative records for the 2008 Federal Columbia River Power System Biological Opinion.
3. The Court will retain jurisdiction over this case while the Agencies comply with this interlocutory remand order.
4. The Agencies are ordered to complete this voluntary remand within 10 days of entry of this order and will provide a notice of completion of remand at that time.
5. If the Agencies choose to integrate the Adaptive Management Implementation Plan into

the administrative records for the 2008 Federal Columbia River Power System Biological Opinion, they will also provide the Court and parties with a supplemental administrative record no later than February 26, 2010.

Dated this ____ day of _____, 2010.

United States District Court Judge
James A. Redden