

KARIN J. IMMERGUT, OSB #96314  
United States Attorney  
STEPHEN J. ODELL, OSB #90353  
Assistant United States Attorney  
District of Oregon  
600 United States Courthouse  
1000 S.W. Third Avenue  
Portland, OR 97204-2902  
(503) 727-1000

RONALD G. TENPAS  
Assistant Attorney General  
SETH M. BARSKY, Assistant Section Chief  
COBY HOWELL, Trial Attorney  
BRIDGET McNEIL, Trial Attorney  
Wildlife & Marine Resources Section  
U.S. Department of Justice  
Environment & Natural Resources Division  
c/o U.S. Attorney's Office  
1000 SW Third Avenue  
Portland, OR 97204-2902  
(503) 727-1023  
(503) 727-1117 (fx)

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

---

NATIONAL WILDLIFE FEDERATION, *et al.*

Civil No. 01-640-RE

Plaintiffs,

**NOTICE OF COMPLETION  
OF REMAND**

v.

NATIONAL MARINE FISHERIES  
SERVICE, *et al.*

Defendants.

---

On October 7, 2005, this Court issued a remand order directing the National Marine

Fisheries Service (“NMFS”) to correct a number of legal deficiencies identified in the 2004 biological opinion for the Federal Columbia River Power System (“FCRPS”). Order of Remand at 11 (Docket No. 1087). The Court directed NMFS to make a new determination of whether the agency action was likely to jeopardize the continued existence of listed species or adversely modify critical habitat while correcting the legal deficiencies identified in the Opinions and Orders issued on May 7, 2003, and May 26, 2005. Id. at 11.

Federal Defendants have completed consultation on the FCRPS in accordance with the Court’s instructions, opinions, and orders. Accordingly, Federal Defendants provide notice of completion of remand.<sup>1</sup> Courtesy copies of the biological opinion and other supporting documentation will be mailed or delivered to the Court and counsel of record.

Respectfully submitted: May 5, 2008.

RONALD G. TENPAS  
Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Division

SETH M. BARSKY  
Assistant Section Chief

/s/ Coby Howell  
COBY HOWELL  
Trial Attorney  
BRIDGET McNEIL  
Trial Attorney  
Wildlife & Marine Resources Section  
c/o U.S. Attorney’s Office  
1000 SW Third Avenue

---

<sup>1</sup> This notice will not affect current hydro operations for the migration season or any other obligation set forth in the Court’s February 25, 2008 Order for 2008 Operations.

Portland, OR 97204-2902  
(503) 727-1000  
(503) 727-1117 (fx)

*Attorneys for Defendants*

## CERTIFICATE OF SERVICE

Pursuant to Local Rule Civil 100.13(c), and F.R. Civ. P. 5(d), I certify that on May 5, 2008, the foregoing will be electronically filed with the Court's electronic court filing system, which will generate automatic service upon on all Parties enrolled to receive such notice. The following will be manually served by overnight mail:

Dr. Howard F. Horton, Ph.D.  
U.S. Court Technical Advisor  
Professor Emeritus of Fisheries  
Department of Fisheries and Wildlife  
104 Nash Hall  
Corvallis, Oregon, 97331-3803  
FAX: (541)-737-3590  
(hortonho@onid.orst.edu)

Walter H. Evans, III  
Schwabe Williamson Wyatt, P.C.  
1211 S.W. Fifth Ave  
1600-1800 Pacwest Center  
Portland, OR 97204  
([wevans@schwabe.com](mailto:wevans@schwabe.com))

James W. Givens  
1026 F Street  
P.O. Box 875  
Lewiston, ID 83051

/s/ Coby Howell