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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**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.

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

**STIPULATION AMENDING  
THE COURT'S PRELIMINARY  
INJUNCTION ORDER IN  
REGARD TO ADULT FISH  
PASSAGE DELAYS**

## STIPULATION

Plaintiffs National Wildlife Federation, *et al.*, Intervenor-Plaintiff State of Oregon, and Federal Defendants the U.S. Army Corps of Engineers, *et al.*, stipulate to amend the Amended Preliminary Injunction Order, ECF 2674 (“Order”),<sup>1</sup> as follows:

1. The Court’s Amended Preliminary Injunction Order provides, at Lower Monumental Dam, “Monitor and manage adult conversion rates in-season via Technical Management Team (TMT) process.” ECF 2674 at 5, n.4. The 2026 Fish Operations Plan (FOP) includes this provision verbatim and states in a footnote: “The agencies will use all available information including adult dam counts and the current Columbia River DART’s Reach Distribution and Delay for PIT Tag Adult Returns tool (“Running 3-day DART tool”) to monitor adult delay.” 2026 FOP 7.1 and n. 27.

2. Section 7.1 of the 2026 Fish Operations Plan shall apply with full force to spring fish passage spill operations at Lower Monumental dam, including as applied to whether to modify Court-ordered spill levels to address adult passage delays.

3. Notwithstanding any other provision of the Order, Federal Defendants shall have full discretion to modify Court-ordered operations to address any adult fish passage delays or blockages at any of the eight lower Snake River and lower Columbia River dams under Section 4.1 of the 2025 Fish Operations Plan, *see* ECF 2674 at Attachment 2, Page 9-10 of 29. If Federal Defendants modify Court-ordered operations under this authority, they shall comply with Section B(B)(3)(a), (b), and (d) of the Order, *see id.* at 8-9.

The Stipulating Parties agree and intend that this Stipulation shall be effective on

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<sup>1</sup> Other parties that responded supported and signed the declaration, or indicated they support or do not oppose this Stipulation. No party that responded stated that they objected to the Stipulation.

signature and without need for approval by Court Order or other endorsement, as the Court authorized in the Order. *See* Order at 2 (specifying injunction terms that apply “until such time as the parties agree in writing to amend, supersede, or terminate this Preliminary Injunction”). Federal Defendants intend to modify Court-ordered spill levels at Lower Monumental Dam under Section 4.1 on Tuesday morning, May 26, 2026. They thereafter intend to engage with TMT consistent with Paragraph 2, above. In addition, Federal Defendants will promptly submit on Tuesday a System Operational Request (SOR) on the May 26 modification, for deliberation.

IT IS SO STIPULATED.

DATED: May 25, 2026.

ADAM R.F. GUSTAFSON  
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*/s/ Michael R. Eitel*  
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DATED: May 26, 2026.

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### **CERTIFICATE OF SERVICE**

I certify that the foregoing was filed through the Court's CM-ECF system, which will automatically serve counsel of record.

*/s/ Michael R. Eitel*