

1 **IN THE UNITED STATES DISTRICT COURT**  
2 **FOR THE EASTERN DISTRICT OF WASHINGTON**

3 CONFEDERATED TRIBES OF THE )  
COLVILLE RESERVATION; )  
4 CONFEDERATED TRIBES OF )  
THE CHEHALIS RESERVATION, )

5 )  
6 Plaintiffs, )

7 v. )

No. 2:26-cv-00061-JAG

8 NATIONAL OCEANIC AND )  
ATMOSPHERIC ADMINISTRATION; )  
9 SECRETARY OF COMMERCE )  
HOWARD LUTNICK, in his official )  
capacity; JENNIFER QUAN, Regional )  
Administrator, NOAA Fisheries West )  
10 Region, in her official capacity; BUREAU )  
OF INDIAN AFFAIRS; SECRETARY )  
11 OF THE INTERIOR DOUGLAS )  
BURGUM, in his official capacity, )

12 )  
13 Defendants. )

14 **Motion for Emergency Temporary Restraining Order**

15 The Confederated Tribes of the Colville Reservation and the Confederated  
16 Tribes of the Chehalis Reservation respectfully move for an emergency temporary  
17 restraining order intended to last a matter of days. Based on information from  
18 Defendants’ counsel, the Bureau of Indian Affairs intends to issue award letters of  
19 Inflation Reduction Act tribal hatchery grant funds to other tribes “no sooner” than  
20 March 6, 2026, but Defendants would not agree to a later date.

1 As argued in the supporting memorandum and as shown by two affidavits  
2 attached to that memorandum, issuance of award letters will cause immediate and  
3 irreparable harm to the Plaintiff Tribes. Rather than requesting that the Court enjoin  
4 issuance of the letters altogether, however, Plaintiff Tribes request only that the  
5 Court temporarily enjoin Defendants from awarding \$22 million of the \$184 million  
6 BIA has said is available. \$22 million is the maximum amount the Plaintiff Tribes  
7 will receive if they are ultimately declared “eligible” to apply for the funds and their  
8 applications are approved in full.

9 The requested emergency TRO would last only until Defendants can respond  
10 to the companion motion for a more “standard” TRO and/or the companion motion  
11 for a preliminary injunction and then the Court can assess how to proceed with the  
12 companion motions, likely one or two hearings, etc. The goal is that \$22 million not  
13 be promised or distributed to other tribes until the Court has an opportunity to rule  
14 on whether the Plaintiff Tribes are “eligible” to apply for the funds, and if so, allows  
15 them to apply and for their applications to be fairly considered. That more detailed  
16 relief is sought in the companion motion for a preliminary injunction, not in this  
17 motion or the motion for a temporary restraining order.

18 Counsel for the Plaintiff Tribes have alerted Defendants’ counsel that this  
19 motion is to be filed and provided near-final drafts of the motions to Defendants’  
20 counsel on March 2, 2026. Defendants’ counsel will also receive notice through  
21

1 CM/ECF. Defendants oppose this motion.

2 Dated: March 2, 2026

3 Attested and respectfully submitted,

4 /s Thomas J. Peckham  
Thomas J. Peckham  
5 Nordhaus Law Firm LLC  
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Albuquerque, NM 87109  
7 (505) 243-4275  
[tpeckham@nordhauslaw.com](mailto:tpeckham@nordhauslaw.com)  
8 *Counsel for the Plaintiff Tribes*  
(admitted pro hac vice)

9

10 And signed by local counsel as required by local rule:

11 /s Robbi Kesler  
Robbi Kesler  
12 Lead Attorney  
Confederated Tribes  
13 of the Chehalis Reservation  
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14 Oakville, WA 98568  
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15 *Counsel for the Confederated*  
*Tribes of the Chehalis Reservation*

/s Marty Raap  
Marty Raap  
16 Managing Attorney  
Office of Reservation Attorney  
Confederated Tribes  
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(509) 634-2381  
*Counsel for the Confederated*  
*Tribes of the Colville Reservation*

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2026, Plaintiff’s counsel electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that I have mailed by United States Postal Service the document and the related proposed order to the following non-CM/ECF participants:

None: All Defendants are now represented by a registered CM/ECF user

/s Thomas J. Peckham  
Thomas J. Peckham