

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 Preliminary Injunction**

15 The Confederated Tribes of the Colville Reservation and the Confederated  
16 Tribes of the Chehalis Reservation (together “Plaintiff Tribes”) respectfully move  
17 for a preliminary injunction. Based on information from Defendants’ counsel, the  
18 Bureau of Indian Affairs intends to issue award letters of Inflation Reduction Act  
19 tribal hatchery grant funds to other tribes” no sooner” than March 6, 2026.  
20 Accordingly, companion motions seek an emergency temporary restraining and a  
21

1 subsequent TRO until this motion can be considered by the Court. As argued in the  
2 supporting memorandum, the Plaintiff Tribes should have been, and should now be,  
3 deemed “eligible” to apply for tribal hatchery grant funds made available to twenty-  
4 seven other pre-selected tribes under the Inflation Reduction Act. The Plaintiff  
5 Tribes therefore seek preliminary relief that 1) they are eligible to apply for the grant  
6 funds, 2) that, as a consequence of being “eligible” they each receive the same \$2  
7 million “non-competitive” grants the other twenty-seven tribes received, 3) that their  
8 project applications be submitted by May 15, 2026, 4) that the Bureau of Indian  
9 Affairs evaluate those applications and provide a written decision on each proposal  
10 to the relevant Plaintiff Tribe and the Court by a date certain (perhaps June 15, 2026,  
11 subject to comment by Defendants), 5) that for any amounts Defendants may award  
12 to the Plaintiff Tribes, Defendants, in cooperation with Plaintiffs, ensure that the  
13 appropriate documents necessary to obligate such funds are finalized and approved  
14 by appropriate agency personnel by or before August 15, 2026; and 6) that  
15 Defendants not award or distribute \$22 million of the \$184 million BIA has said is  
16 available until 14 calendar days after the award decisions in 4) are provided.

17 Defendants oppose this motion.

18 Plaintiff Tribes respectfully request that the Court order the preliminary  
19 injunctive and declaratory relief sought, after proceedings as the Court deems  
20 appropriate.

1 Dated: March 2, 2026

2 Attested and respectfully submitted,

3 /s Thomas J. Peckham  
4 Thomas J. Peckham  
5 Nordhaus Law Firm LLC  
6 6739 Academy Rd. NE, Ste. 256  
7 Albuquerque, NM 87109  
8 (505) 243-4275  
9 [tpeckham@nordhauslaw.com](mailto:tpeckham@nordhauslaw.com)  
10 *Counsel for the Plaintiff Tribes*  
11 *(admitted pro hac vice)*

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

13 /s Robbi Kesler  
14 Robbi Kesler  
15 Lead Attorney  
16 Confederated Tribes  
17 of the Chehalis Reservation  
18 420 Howanut Rd.  
19 Oakville, WA 98568  
20 telephone: (360) 709-1835  
21 *Counsel for the Confederated Tribes of the Chehalis Reservation*

/s Marty Raap  
Marty Raap  
Managing Attorney  
Office of Reservation Attorney  
Confederated Tribes  
of the Colville Reservation  
21 Colville St.  
Nespelem, WA 99155  
(509) 634-2381  
*Counsel for the Confederated Tribes of the Colville Reservation*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

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 registered CM/ECF users.

/s Thomas J. Peckham  
Thomas J. Peckham