

Chronology of culvert litigation

2001	Tribes file sub-proceeding of U.S. v Washington regarding culverts
2007	Judge Martinez agrees with claim
2009	Trial occurs to determine remedy
Mar 2013	Judge Martinez issues 'injunction' outlining remedy
Jun 2016	State Appeals to 9 th Circuit court of appeals – appeal denied
May 2017	9 th Circuit denies state's request for rehearing en banc
Aug 2017	State Appeals to U.S. Supreme Court
Jun 2018	U.S. Supreme Court issues 4-4 decision – lower court decision remains

Overview of “Permanent Injunction Regarding Culvert Correction” US District Court – Western District of Washington at Seattle United States of America, et al, v State of Washington, et al March 2013

- September 2013 – Deadline to prepare a list of case area barriers in consultation with the Tribes.
- October 2016 – Deadline for WDFW, Dept of Natural Resources, and State Parks to fix all their barrier culverts.
- March 2030 – WSDOT's deadline to fix barriers with 200 meters or more of upstream habitat.
- In order of preference, state directed to avoid the stream crossing where possible; build a bridge; or use stream simulation design which represents best available science.
- WSDOT required to correct culverts with less than 200 meters of upstream habitat at the end of useful life or sooner as part of highway projects.
- WSDOT can defer culverts with up to 10 percent of the total blocked upstream habitat until the end of useful life or sooner as part of highway projects.
- Required to make ongoing efforts to identify and assess culverts that become barriers; monitor effectiveness of corrections; and maintain culverts to prevent barriers. Required to correct newly identified barriers 'within a reasonable period of time'.
- Implementation requires significant tribal coordination.