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AP TOP STORY

## Appeals court: Washington must fix salmon-blocking culverts

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FILE - In this June 22, 2015, file photo, Julie Henning, right, division manager of the Washington Dept. of Fish and Wildlife services division habitat program, and Melissa Erkel, left, a fish passage biologist, look at a wide passageway for the north Creek near Enumclaw, Wash. Federal appeals judges say the state of Washington has violated the treaty rights of tribes and maintaining large pipes that allow streams to pass beneath roads but also block migrating salmon. (AP Photo/Ted S.

SEATTLE (AP) — Federal appeals judges say the state of Washington has violated the treaty rights of tribes to fish by building and maintaining large pipes that allow streams to pass beneath roads but also block migrating salmon.

A panel of the 9th U.S. Circuit Court of Appeals on Monday affirmed a lower court ruling ordering Washington to replace hundreds of culverts — at a cost that officials peg at \$2.4 billion.

The case stems from the landmark 1974 Boldt decision, which affirmed the rights of 21 Washington tribes to half the salmon harvest. The tribes, backed by the U.S. Justice Department, sued the state in 2001, trying to force the state to replace the culverts with structures that better allow fish to pass.

A federal judge in Seattle held that fish-blocking culverts contribute to diminished salmon runs and in 2013 ordered the state to replace hundreds of culverts.

