No. 15-35824 & 15-35827

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff

MAKAH INDIAN NATION, Plaintiff-Intervenor and **Appellant** in No. 15-35824,

QUILEUTE INDIAN TRIBE and QUINAULT INDIAN NATION, Plaintiff-Intervenors and **Appellees** in Nos. 15-35824 & 15-35827, and

HOH INDIAN TRIBE et al., Plaintiff- Intervenors and Real Parties in Interest in Nos. 15-35824 & 15-35827

v.

STATE OF WASHINGTON, Defendant and **Appellant** in No. 15-35827

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Nos. 2-09-sp-00001-RSM & 2-70-cv-09213-RSM
The Honorable Ricardo S. Martinez
United States District Court Judge

REAL PARTIES IN INTEREST JAMESTOWN S'KLALLAM TRIBE, PORT GAMBLE S'KLALLAM TRIBE, SWINOMISH INDIAN TRIBAL COMMUNITY, AND UPPER SKAGIT INDIAN TRIBE'S RESPONSE BRIEF

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CORPORATE DISCLOSURE STATEMENT

Real Parties in Interest Jamestown S'Klallam Tribe, Port Gamble S'Klallam Tribe, Swinomish Indian Tribal Community, and Upper Skagit Indian Tribe are federally recognized Indian tribes. Accordingly, a corporate disclosure statement is not required by Federal Rule of Appellate Procedure 26.1.

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I. ADDENDUM OF PERTINENT LAWS

This Response Brief does not contain any citations to constitutional provisions, treaties, statutes, ordinances, or regulations, so there is no addendum required under Circuit Rule 28-2.7.

II. SUMMARY OF ARGUMENT

Following a 23-day trial in this subproceeding of *United States v. Washington*, W.D. Wash. No. 70-9213, the District Court ruled that evidence that the Quileute and the Quinault respectively may have traveled up to 40 and 30 miles offshore to hunt for marine mammals at treaty time was sufficient to establish the tribes' entitlement to fish for finfish and shellfish at those distances and beyond today. Because the District Court's ruling failed to follow this Court's decision in *United States v. Washington*, 730 F.2d 1314 (9th Cir. 1984) ("*Makah*"), Real Parties in Interest Jamestown S'Klallam Tribe, Port Gamble S'Klallam Tribe, Swinomish Indian Tribal Community, and Upper Skagit Indian Tribe write to express their concerns regarding finality, fairness, and the importance of the District Court following the law of the circuit in this longstanding and complicated treaty rights case.

The five treaties involved in *United States v. Washington* secured off-reservation fishing rights for the signatory tribes at "all usual and accustomed grounds and stations" ("U&As"). *United States v. Washington*, 384 F.Supp. 312,

406 (W.D. Wash. 1974), *aff'd* 520 F.2d 676 (9th Cir. 1975) ("*Washington I*"). A treaty tribe's right to fish is confined to the geographic extent of its U&As. *Id* at 402.

In *Makah*, this Court held that evidence of travel for marine mammal hunting cannot *by itself* be the basis for establishing U&As. As a result, the Makah Tribe was denied U&As in the ocean fishery at distances beyond 40 miles offshore, where they "customarily fished," even though the evidence in the case demonstrated that the Makah certainly traveled more than 40 miles offshore, and may have traveled up to 100 miles offshore, to hunt marine mammals at treaty time. *Makah*, 730 F.2d at 1318. Despite this ruling, in this case the District Court granted Quileute and Quinault U&As in the same ocean fishery *based solely upon* evidence of the distances within which the tribes may have traveled for marine mammal hunting at treaty time, even though it found that Quileute and Quinault respectively did not fish for finfish or shellfish at distances beyond 20 and 6 miles offshore at treaty time.[1] If affirmed, this decision will lead to significant uncertainty as to the law to be applied in *United States v. Washington* and invite attempts to relitigate a number of issues

[1] On appeal, Makah and the State have challenged the District Court's finding that Quileute fished up to 20 miles offshore at treaty time. *See* Brief of Appellant Makah Indian Tribe ("Makah Br.") at 49-56; Brief of Defendant-Appellant State of Washington ("State Br.") at 31-38. We do not take any position regarding the sufficiency of the evidence to support this finding by the District Court.

presently thought to be settled in the case, including the locations of other tribes' U&As.

III. ARGUMENT

A. A Tribe Must Present Evidence of Fishing Activity to Establish U&As.

The District Court and this Court have repeatedly held that a tribe must present evidence of customary, regular, and frequent fishing activity in order to establish U&As. In *Washington I*, District Judge Boldt held that U&As include "every fishing location where members of a tribe customarily fished from time to time at and before treaty times." 384 F.Supp. at 332. Judge Boldt also held that U&As are areas that a tribe fished on a "usual and accustomed" basis, not an "occasional or incidental" basis. *Id*. at 356. As a result, "occasional and incidental trolling [while traveling] was not considered to make the marine waters traveled thereon the [U&As] of the transiting Indians." *Id*. at 353. District Judge Craig later elaborated on this point:

> Open marine waters that were not transited or resorted to by a tribe on a regular and frequent basis in which fishing was one of the purposes of such use are not usual and accustomed fishing grounds of that tribe within the meaning of the Stevens treaties.

United States v. Washington, 626 F.Supp. 1405, 1531 (W.D. Wash. 1985). It is important to note that the District Court has continued to apply these rules of law ever since *Washington I* established them. *See, e.g., United States v. Washington*,

2015 WL 4405591 (W.D. Wash. July 17, 2015); *United States v. Washington*, 2013 WL 3897783 (W.D. Wash. July 29, 2013), *aff'd, Tulalip Tribes v. Suquamish Indian Tribe*, 794 F.3d 1129 (9th Cir. 2015); *United States v. Washington*, 2007 WL 30869 (W.D. Wash. Jan. 4, 2007), *aff'd Upper Skagit Indian Tribe v. Washington*, 590 F.3d 1020 (9th Cir. 2010).

This Court has affirmed these principles on a number of occasions. It has held that fishing must have occurred "with regularity" rather than on an "isolated or infrequent" basis to give rise to U&As. *United States v. Muckleshoot Indian Tribe*, 235 F.3d 429, 434 (9th Cir. 2000). And it has held that even when travel for purposes other than fishing was accompanied by incidental trolling, it did not establish U&As along the travel route absent other evidence of fishing activity. *See, e.g., United States v. Lummi Indian Tribe*, 841 F.2d 317, 320 (9th Cir. 1988) ("*[w]hile travel through an area and incidental trolling are not sufficient to establish [U&As], frequent* travel and visits to trading posts may support other testimony that a tribe *regularly fished* certain waters") (citing *Washington I*, 384 F.Supp. at 353; most emphasis added); *Upper Skagit Indian Tribe v. Washington*, 590 F.3d at 1022

(customary fishing activity "does not include 'occasional and incidental' fishing or trolling incidental to travel") (citing *Washington I*, 384 F.Supp. at 353).[2]

B. The District Court's Decision Violates the Law of the Circuit.

The Makah Tribe has dealt exhaustively with the application of *Makah* to this case. Brief of Appellant Makah Indian Tribe ("Makah Br.") at 7-8; 10-11; 13-21. We agree with the arguments made by Makah with respect to this issue and base our argument here upon them without repeating them in great detail.

Briefly, in *Makah*, both the District Court and this Court reviewing the issue *de novo* confirmed the basic principle discussed above that a tribe must show evidence of fishing activity to establish U&As in an area. It determined that although the Makah had U&As up to 40 miles offshore based on evidence of fishing activity,

[2] In two subproceedings in this case, this Court has made statements that could be interpreted to suggest that travel alone may be sufficient to establish U&As. In the first, subproceeding 05-3, an earlier panel decision indicated that travel along the "natural route" between two fisheries may have been sufficient to establish U&As along the route. On rehearing, that decision was withdrawn and replaced by a second panel decision that confirms that evidence of fishing activity in an area is required to establish U&As in that area. *See Upper Skagit Indian Tribe v. Washington*, 590 F.3d 1020. In the second, subproceeding 05-4, the panel decision discussed general evidence of travel and stated that a tribe "likely would have fished" in areas where it traveled. However, reading the decision in its entirety makes it clear that the case turned on the fact that "the record contain[ed] evidence that the [tribe] *fished* in [the contested] waters," including testimony by Dr. Barbara Lane that the tribe "traveled to [the contested waters] *to fish*." *Tulalip Tribes v. Suquamish Indian Tribe*, 794 F.3d at 1135 (emphasis added).

its U&As did not extend up to 100 miles offshore based on evidence of whaling and sealing. As a result, this Court necessarily held that evidence of marine mammal hunting beyond the distances at which fishing activity occurred is not by itself sufficient to establish U&As.[3]

In this case, the District Court did exactly the opposite of what the District Court and this Court held in *Makah*. The District Court ruled that even though it found that Quileute and Quinault fished only up to 20 and 6 miles offshore, respectively, they were entitled to U&As extending to 40 miles and 30 miles or more offshore, respectively, based solely upon the distances to which they may have traveled for whaling and sealing at treaty time. Thus these tribes gained vast U&As in the ocean fishery on the very same basis that the Makah Tribe lost even vaster U&As in the ocean fishery in *Makah*.

In so ruling, the District Court violated the law of the circuit doctrine, under which "a published decision of this court constitutes binding authority which must be followed unless and until overruled by a body competent to do so." *Gonzalez v.*

[3] We do not take a position as to whether Quileute or Quinault has a treaty right to hunt marine mammals, and that question and the basis for any such right is not properly before this Court. As discussed in greater detail below, the critical issue in this case is that regardless of whether Quileute and Quinault have a treaty right to hunt marine mammals, the law of the circuit establishes that evidence of marine mammal hunting practices by itself cannot establish the geographic boundaries of a tribe's fishing U&As.

Arizona, 677 F.3d 383, 389 n. 4 (9th Cir. 2012) (*en banc*) (quotation omitted). Only this Circuit sitting *en banc* or the Supreme Court are competent to overrule an earlier panel decision. *United States ex rel. Hartpeace v. Kinetic Concepts*, 792 F.3d 1121, 1127 (9th Cir. 2015) (*en banc*); *see also Miller v. Gammie*, 335 F.3d 889, 900 (9th Cir. 2003) (*en banc*).

The District Court in this case was bound to follow the law of the circuit in *Makah* and rule that Quileute's and Quinault's evidence of travel for purposes of whaling and sealing by itself was not sufficient to establish fishing U&As extending to distances 40 and 30 miles or more from shore, respectively. The District Court should have followed the law of circuit in this case but did not.[4]

The rule with respect to law of the circuit does not change just because *Makah* and the present case are both part of *United States v. Washington*. Here, law of the case principles do not apply because *Makah* became law of the circuit when it was published. Accordingly, the discretionary aspects of law of the case no longer apply:

[4] We note that like the District Court, a panel of this court is also bound by the law of the circuit and may not reexamine a prior panel decision. *United States v. Zarato-Martinez*, 133 F.3d 1194, 1200 (9th Cir. 1998), *overruled on other grounds as recognized in United States v. Ballesteros–Ruiz*, 319 F.3d 1101, 1105 (9th Cir. 2003).

"[E]xceptions to the law of the case doctrine are not exceptions to our general 'law of the circuit' rule." *Gonzalez*, 677 F.3d at 389 n. 4.

Just what constitutes law of the circuit is not limited to the holding of a case, strictly construed, but is more broadly conceived. "We hold that … where a panel confronts an issue germane to the eventual resolution of the case, and resolves it after reasoned consideration in a published opinion, it becomes the law of the circuit, regardless of whether doing so is necessary in some strictly logical sense." *United States v. Johnson*, 256 F.3d 895, 914 (9th Cir. 2001) (*en banc*).

This standard is more than met here. *Makah* squarely framed the issue of whether evidence of traveling for marine mammal hunting to distances farther offshore than distances traveled for fishing – which would have more than doubled the Makah Tribe's ocean U&As – could establish U&As. This Court in *Makah* clearly answered "no," because evidence of marine mammal hunting is not evidence of fishing and the usual standard discussed above requires frequent and customary fishing in order to establish fishing U&As. This is a legal principle that was necessary to the decision in *Makah*, and in fact was the very *basis* for denying the Makah U&As in areas more than 40 miles offshore.

The only conceivable basis for the District Court's decision to ignore this Court's holding in *Makah* is the proposition that a panel of this Court silently

overruled *Makah* in the shellfish subproceeding, *United States v. Washington*, 157 F.3d 630 (9th Cir. 1998) ("*Shellfish*"), by adopting a broad, abstract meaning of "fish" in the Stevens treaties that includes not only finfish and shellfish, but whales, seals, and other types of critters that live on, in, beneath or near the sea. *Shellfish*, however, did not establish a broad definition of "fish." Or address the question at all.

In the relevant part of the decision, *Shellfish* addressed two claims raised by the State on appeal, neither of which claimed that shellfish were not "fish." Instead, the State argued (1) that the treaty right to shellfish did not include certain deep water species (like geoduck) that were not harvested by tribal fishers at treaty time, and (2) that shellfish U&As had to be established separately from finfish U&As. *Shellfish*, 157 F.3d at 643-644.

This Court rejected both of these arguments, ruling that (1) the treaty fishing right extended to all shellfish species, not just those pursued by tribal fishers at treaty time, and (2) that shellfish U&As were coextensive with finfish U&As. *Id.* at 644. This ruling is encapsulated in the heading of that section of the opinion: "Except as limited by the Shellfish Proviso, the right of taking shellfish under the treaties is coextensive with the right of taking fish." *Id.* at 643. Aside from distinguishing shellfish from "fish," this statement makes it clear that the issue decided in *Shellfish* was **not** related to the definition of "fish," but whether shellfish were to be treated

differently in certain respects from finfish. There was no dispute before this Court on appeal as to whether shellfish were included in the treaty right.

The decision did not involve any consideration of whether any other type of critter was within the scope of "fish," either. There is nothing in *Shellfish* that explicitly or implicitly conflicts with *Makah* in any way. Nor could there be. As noted above, *Shellfish* cannot conflict with *Makah* because *Makah* was law of the circuit when *Shellfish* was decided. The *Shellfish* panel could not overrule or supersede the *Makah* Court's clear distinction between fish and evidence of fishing on the one hand and marine mammals and evidence of hunting marine mammals on the other hand or its holding that the former, but not the latter, was sufficient to establish U&As. *See* n. 4 above. To the extent that the District Court relied upon a reading of *Shellfish* to encompass a broad pronouncement on an issue that was not before the *Shellfish* panel to justify its deviation from *Makah*, it violated the law of the circuit.

C. Finality and Fairness Require Reversal.

The law of the circuit doctrine commands that *Makah* be followed in this case. Moreover, the fundamental jurisprudential concepts that underlie the doctrine – finality and fairness – are especially strong in this instance.

Law of the circuit is one of several doctrines that serve the jurisprudential interest in finality. Finality serves "and is grounded upon the strong public policy that litigation must come to an end." *Kimball v. Callahan*, 590 F.2d 768, 771 (9th Cir. 1979). "[A] fundamental principle of common-law adjudication is that an issue once determined by a competent court is conclusive," which "conserves judicial resources and fosters reliance on judicial action by minimizing the possibility of inconsistent decisions." *Arizona v. California*, 460 U.S. 605, 619 (1983).

The Supreme Court's formulation above links finality to fairness and the fundamental principle that like cases should be treated alike (and like subproceedings in the very same case should especially be treated alike). In its U&A subproceeding, Makah was *denied* U&As in vast reaches of the ocean based on evidence of hunting marine mammals at distances beyond where it fished at treaty time. In this subproceeding, Quileute and Quinault were *granted* U&As in vast reaches of the ocean based on evidence of hunting marine mammals at distances beyond where they fished at treaty time. This is the kind of inconsistency and inequity that the law of the circuit doctrine was designed to avoid.

The principle of finality is particularly important to cases such as this one, which spans over decades and has involved hundreds of court decisions (of which more later). In *United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1050

(9th Cir. 1993), involving complex, multi-party litigation not unlike *United States v. Washington* in scope, the Court said:

> [T]here is no reason for holding litigants in complex water rights litigation to any lesser standard than litigants in other proceedings. Participants in water adjudications are entitled to finality of decrees as much as, if not more than, parties to other types of civil litigation.

The Supreme Court also declined to revisit prior decrees in a water rights case because of a similarly "strong finality interest" in decrees in such cases. *Arizona v. California*, 460 U.S. at 620.

The strong interest in finality in *United States v. Washington* was itself recently made law of the circuit in *United States v. Washington*, 593 F.3d 790 (9th Cir. 2009) (*en banc*). In this case, the *en banc* court, ruling unanimously, applied law of the circuit to overrule a panel decision that authorized reopening a judgment because "reopening … is inconsistent with the considerations of finality." *Id.* at 800. The Court discussed the *Alpine Land* decision discussed above and then stated:

> Similar considerations of finality loom especially large in this case, in which a detailed regime for regulating and dividing fishing rights has been created in reliance on the framework in *Washington I*…. [Such a complex regime] … certainly cautions against relitigating rights that were established or denied in decisions upon which many subsequent actions have been based.

Id.

This is a complex case indeed. The law of the circuit in this case consists of 34 reported Ninth Circuit decisions listed in Appendix 1 below[5] - a vast and, to date, surprisingly consistent body of law. The case has involved 83 subproceedings, listed in Appendix 2 below, each constituting a case within a case as provided for in District Judge Boldt's original decree. The 2009 *en banc* decision discussed above discusses two published compilations of post-trial orders, and since that decision a third compilation, covering the period from 1985 to 2013, has been published containing many more decisions and orders. *United States v. Washington 1985-2013,* Thompson Reuters 2015. In addition, there have been numerous agreements, management plans, protocols, procedures, and informal arrangements that together with the court decisions and decrees comprise the warp and weft of the tapestry that is the "regime for regulating and dividing fishing rights" the *en banc* court identified as creating a reliance among the many parties, and the citizens or members of those parties, affected by the case.

A disregard of the rule announced in *Makah* that now allows evidence of marine mammal hunting alone to establish a tribe's fishing U&As, together with the more relaxed approach toward evidence to support U&As that it embraces, threatens

[5] The number here is two less than the number of cases listed in Appendix 1 because two cases on the list were overruled by this Court sitting *en banc* and are no longer law of the circuit.

the fabric of *United States v. Washington* and can only lead to a resurgence of attempts to relitigate or establish new U&As and other efforts to upset the settled law of the circuit in this case. The Supreme Court has addressed just this situation: "We also fear that the urge to relitigate, once loosed, will not be easily cabined.… It would be counter to the interests of all parties to this case to open what may become a Pandora's Box, upsetting the certainties of all aspects of the Decree." *Arizona v. California*, 460 U.S. at 625.

IV. CONCLUSION

This Court, following the wisdom of the Supreme Court quoted above and the instruction of the 2009 *en banc* opinion previously cited, should apply the law of the circuit reflected in *Makah* and reverse the District Court decision to extend fishing U&As to areas where tribes did not fish but may have traveled to hunt marine mammals or explore.

Dated this 5th Day of August, 2016

Respectfully submitted,

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STATEMENT OF RELATED CASES

Real Parties in Interest Jamestown S'Klallam Tribe, Port Gamble S'Klallam Tribe, Swinomish Indian Tribal Community, and Upper Skagit Indian Tribe adopt the Makah Tribe's Statement of Related Cases. *See* Makah Br. at 58.

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B)(i) because this brief contains 3,389 words, excluding parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

I certify that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word Times New Roman 14 point font.

Dated August 5, 2016.

Swinomish Indian Tribal Community

/s Emily Haley

Emily Haley, WSBA No. 38284
Attorney for the Swinomish Indian Tribal Community

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document, Real Parties in Interest Jamestown S'Klallam Tribe, Port Gamble S'Klallam Tribe, Swinomish Indian Tribal Community, and Upper Skagit Indian Tribe's Response Brief, with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on August 5, 2016. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system on August 5, 2016.

Executed this 5th day of August, 2016, at La Conner, Washington.

Swinomish Indian Tribal Community

/s Emily Haley

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APPENDIX 1:

NINTH CIRCUIT REPORTED DECISIONS IN *U.S. V. WASHINGTON*

Updated 7/13/16

1. *U.S. v. Washington*, 520 F.2d 676 (9th Cir. 1975)
2. *U.S. v. Washington*, 573 F.2d 1117 (9th Cir. 1978)
3. *U.S. v. Washington*, 573 F.2d 1118 (9th Cir. 1978)
4. *U.S. v. Washington*, 573 F.2d 1121 (9th Cir. 1978)
5. *Puget Sound Gillnetters Ass'n. v. U.S. District Court*, 573 F.2d 1123 (9th Cir. 1978)
6. *U.S. v. Baker*, 641 F.2d 1311 (9th Cir. 1981)
7. *U.S. v. Washington*, 641 F.2d 1368 (9th Cir. 1981)
8. *U.S. v. Lower Elwha Tribe*, 642 F.2d 1141 (9th Cir. 1981)
9. *U.S. v. Washington*, 645 F.2d 749 (9th Cir. 1981)
10. *U.S. v. Washington*, 694 F.2d 188 (9th Cir. 1982)
11. *U.S. v. Washington*, 694 F.2d 1374 (9th Cir. 1982): **vacated by #13, below**
12. *U.S. v. Washington*, 730 F.2d 1314 (9th Cir. 1984): ***Makah***
13. *U.S. v. Washington*, 759 F.2d 1353 (9th Cir. 1985) (*en banc*)
14. *U.S. v. Washington*, 761 F.2d 1419 (9th Cir. 1985)
15. *U.S. v. Skokomish Indian Tribe*, 764 F.2d 670 (9th Cir. 1985)
16. *U.S. v. Washington*, 774 F.2d 1470 (9th Cir. 1985)
17. *U.S. v. Washington*, 813 F.2d 1020 (9th Cir. 1987)
18. *U.S. v. Lummi Indian Tribe*, 841 F.2d 317 (9th Cir. 1988)
19. *U.S. v. Washington*, 873 F.2d 240 (9th Cir. 1989)
20. *U.S. v. Suquamish Tribe*, 901 F.2d 772 (9th Cir. 1990)
21. *U.S. v. Washington*, 86 F.3d 1499 (9th Cir. 1996)
22. *Confederated Tribes of Chehalis Reservation v. Washington*, 96 F.3d 334 (9th Cir. 1996)
23. *U.S. v. Washington*, 98 F.3d 1996 (9th Cir. 1997)
24. *Muckleshoot Tribe v. Lummi Indian Tribe*, 141F.3d 1355 (9th Cir. 1998)
25. *U.S. v. Washington*, 157 F.3d 630 (9th Cir. 1998): ***Shellfish***
26. *Muckleshoot Indian Tribe v. Lummi Indian Nation*, 234 F.3d 1099 (9th Cir 2000)
27. *U.S. v. Muckleshoot Indian Tribe*, 235 F.3d 429 (9th Cir. 2000)
28. *U.S. v. Washington*, 235 F.3d 438 (9th Cir. 2000)
29. *U.S. v. Lummi Indian Tribe*, 235 F.3d 443 (9th Cir. 2000)

30. *U.S. v. Washington*, 394 F.3d 1159 (9th Cir. 2005): **overruled by #33, below**
31. *U.S. v. Washington*, 573 F.3d 701 (9th Cir. 2009)
32. *Upper Skagit Indian Tribe v. Washington*, 590 F.3d 1020 (9th Cir. 2010)
33. *U.S. v. Washington*, 593 F.3d 790 (9th Cir. 2010) (*en banc*)
34. *Lower Elwha Klallam Indian Tribe; Jamestown S'Klallam Tribe; Port Gamble S'Klallam Tribe v. Lummi Nation*, 763 F.3d 1180 (9th Cir. 2014)
35. *Tulalip Tribes v. Suquamish Indian Tribe*, 794 F.3d 1129 (9th Cir. 2015)
36. *U.S. v. Washington* (*In re Culverts*), No. 13-35474 (9th Cir. June 27, 2016; mandate pending)

APPENDIX 2:

SUBPROCEEDINGS IN *U.S. V. WASHINGTON*

Updated 7/13/16

	Subproceeding Number
1.	75-1
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