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Docket Entry 44 - Filed Memorandum of Defendant State of Washington regarding Motions to Intervene

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& Quinalt
tribes
Lawrence [unclear]
for Steelheaders

CIVIL NO. 9216
David E. [unclear]
Wash Responder

MEMORANDUM OF DEFENDANT
STATE OF WASHINGTON RE
MOTIONS TO INTERVENE

John [unclear]
Hoh Tribe

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MAR 1971

[Signature]

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
QUINALT TRIBE OF INDIANS)
on its own behalf and on)
behalf of the Queets Band)
of Indians,)
)
Plaintiff-Intervenor,)
)
MAKAH INDIAN TRIBE,)
)
Plaintiff-Intervenor,)
)
LUMMI INDIAN TRIBE,)
)
Plaintiff-Intervenor,)
)
HOH TRIBE OF INDIANS,)
)
Plaintiff-Intervenor,)
)
MUCKLESHOOT INDIAN TRIBE,)
)
Plaintiff-Intervenor,)
)
SQUAXIN ISLAND TRIBE OF)
INDIANS,)
)
Plaintiff-Intervenor,)
)
SAUK-SUIATTLE INDIAN TRIBE,)
)
Plaintiff-Intervenor,)
)
SKOKOMISH INDIAN TRIBE,)
)
Plaintiff-Intervenor,)
)
v.)
)
STATE OF WASHINGTON,)
)
Defendant,)

1 THOR C. TOLLEFSON, Director,)
 Washington Department of)
 2 Fisheries,)
)
 3 Defendant-Intervenor,)
)
 4 CARL CROUSE, Director, Wash-)
 ington Department of Game,)
 5)
 Defendant-Intervenor,)
 6)
 7 WASHINGTON STATE GAME)
 COMMISSION,)
)
 8 Defendant-Intervenor.)

9
 10
 11 The defendant State of Washington's position regarding
 12 the various motions to intervene has been set forth in the stipula-
 13 tion entered into by the defendant state and the plaintiff United
 14 States of America.

15 I.

16 In the stipulation no affirmative position was taken
 17 with respect to the following requests:

- 18 (1) Washington State Sportsmen's Council, Inc., Earl
 19 Engman and Garland E. Morrison;
 20 (2) Confederated Tribes and Bands of the Yakima Indian
 21 Nations;
 22 (3) Committee to Save our Fish;
 23 (4) National Congress of American Indians, Inc.;
- 24 (5) Washington Reef Net Owners' Association;
 25 (6) Association of Northwest Steelheaders.

26 The defendant state understands that the National Congress
 27 of American Indians, Inc. is seeking to be an amicus curiae rather
 28 than an intervenor. We have no objection to the National Congress
 29 of American Indians, Inc. and the Association of Northwest Steel-
 30 headers being permitted to participate in this case as amicus
 31 curiae rather than intervenors.

1 The defendant state also has no objection to the request
2 for intervention by the Washington State Sportsmen's Council,
3 Inc. and the Washington Reef Net Owners' Association. The defen-
4 dant state questions the appropriateness of intervention by the
5 Confederated Tribes and Bands of the Yakima Indian Nations and
6 the Committee to Save our Fish. However, we are not taking an
7 affirmative position in response to those requests.

8 II.

9 The defendant state of Washington has both orally and
10 in writing requested that the plaintiff United States of America
11 join in a joint request for a three-judge court pursuant to
12 28 U.S.C. § 28.81, but there has been no affirmative response to
13 those requests. We would therefore join in the request of the
14 plaintiff-intervenors Muckleshoot Indian Tribe, Squaxin Island
15 Tribe of Indians, Sauk-Suiattle Indian Tribe and Skokomish Indian
16 Tribe that a three-judge court be convened for this case.

17
18 SLADE GORTON
19 Attorney General

20 *Edward B. Mackie*

21 EDWARD B. MACKIE
22 Deputy Attorney General
23 Attorney for Defendant State of
24 Washington

25 *Joseph L. Coniff*

26 JOSEPH L. CONIFF
27 Assistant Attorney General
28 Attorney for Carl Crouse, Director,
29 Washington Department of Game and the
30 Washington State Game Commission

31 *William M. Ginery*

 WILLIAM M. GINGERY
 Assistant Attorney General
 Attorney for Thor C. Tollefson,
 Director, Washington Department of
 Fisheries