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Docket Entry 267 - Filed Game's and Washington Reef Netters Responses to Plaintiffs 4th request for admissions (Economic Facts & Opinions)

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FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JUL 6 1973

EDGAR SCOFIELD, CLERK
By Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, et al.,
 Plaintiffs,

 v.

STATE OF WASHINGTON, et al.,
 Defendants.

NO. 9 2 1 3

GAME'S AND WASHINGTON REEF
NETTERS ASSOCIATIONS RESPONSES
TO PLAINTIFFS' FOURTH REQUESTS
FOR ADMISSIONS (Economic
Facts & Opinions)

COMES now the Washington State Game Commission, the Washington State Department of Game, and Carl Crouse, Director of Game and the Washington Reef Netters Association and answers Plaintiffs' Fourth Requests for Admissions as follows:

Attention is directed to the fact that Game has intervened in these proceedings solely with respect to the conservation of steelhead, and, under state law, the State Game Commission, the Department of Game, and the Director have no authority whatsoever over the five species of salmon which are discussed in USA-74 and USA-75. This preliminary statement is made to explain the limited responses of these intervenors, it being expected that the State of Washington, Thor Tollefson, Director of the Washington State Department of Fisheries will file

267

1 separate responses to Plaintiffs' Fourth Requests for Admissions.
2 Joseph L. Coniff, as liaison counsel, will submit all copies on
3 behalf of the above named defendants.
4

5 4.000 Game admits the same.
6

7 4.001 Game states that the material contained in USA-74 deals
8 with five species of salmon, to the exclusion of steelhead which
9 is within the jurisdiction of Game, and Game therefore has no
10 power to admit or deny that the report is admissible in evidence.
11 Insofar as any inference therein may relate to steelhead, Game
12 denies as follows: Any inference that the commercial taking of
13 steelhead would constitute the optimum maximizing of the value
14 of the steelhead fishery (USA-74, p. 1) and, further, any
15 inference therein that the Indians have exercised conserva-
16 tion measures in their off-reservation fisheries either
17 voluntarily or by any regulations other than as affected by
18 the state.
19

20 4.002 Game admits the same.
21

22 4.003 Game cannot admit or deny the same for the reason stated
23 preliminarily and for the further reason that there is no Puget
24 Sound commercial fishery for steelhead presently authorized under
25 state law.
26

27 4.004 Game cannot admit or deny for the reason stated preliminarily
28 but Game would specifically deny the inference that regulation
29 of fish traps would be more capable than the present commercial
30 fishery in Puget Sound for taking the optimum number of fish
31 for the reason that there is no Puget Sound commercial
32 fishery for steelhead presently authorized under state
33 law, and, further, Game specifically denies that

1 any commercial taking of steelhead would maximize the value
2 of that fishery.

3
4 4.005 Game denies the same for the reason that there is no
5 factual foundation in USA-74 for the conclusion that the
6 aggregate income earned would be "sufficient to support most
7 of the Indian families who live in the area" in that there
8 is no information in said report as to how many Indian families
9 are living in the area or how many families allege that they
10 are Indian families.

11
12 4.006 Game denies any inferences that the Indians have
13 practiced conservation measures for the reason that this is
14 not a matter of expertise in the area of economics to which
15 USA-74 relates and, further, this request for admission is
16 contrary to the experience of the Department of Game. (Testimony
17 of Millenbach and Neubrech)

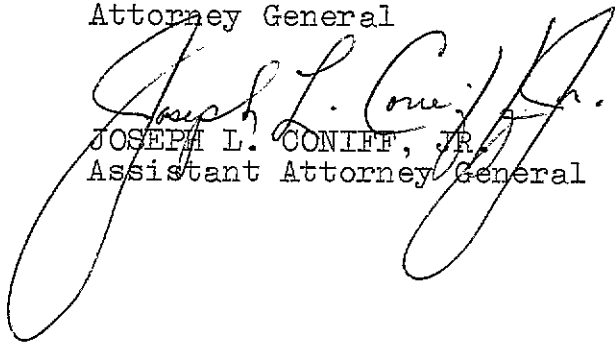
18
19 4.007 Game admits the same.

20
21 4.008 For the reasons stated preliminarily, Game feels this
22 may be beyond the power of Game to admit or deny but has no
23 objection as to the admissibility of USA-75 except to those
24 parts contained in pages 13, 14, 15, and 16. The basis for
25 Game's objection is that such material is not within the area
26 of expertise of Robert Paul Thomas in economics; the subject
27 matter is within the field of anthropology and is covered
28 by testimony of Doctor Barbara Lane and Doctor Carroll Riley.

29
30 4.009 Game admits the same but objects to the standing of
31 the witness to testify to the matters set forth in pages 13-16
32 for the reasons stated in 4.008 above.

Respectfully submitted:

SLADE GORTON
Attorney General

A large, stylized handwritten signature in cursive script, appearing to read "Joseph L. Coniff, Jr.", is written over the typed name and title.

JOSEPH L. CONIFF, JR.
Assistant Attorney General

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