

8-1-1973

Docket Entry 318 - Filed Amendment to Defendant Department of Fisheries' Answers to Plaintiffs Sixth request for Admissions

Follow this and additional works at: <https://digitalcommons.law.uw.edu/us-v-wash-70-9213>

Recommended Citation

Docket Entry 318 - Filed Amendment to Defendant Department of Fisheries' Answers to Plaintiffs Sixth request for Admissions (1973), <https://digitalcommons.law.uw.edu/us-v-wash-70-9213/234>

This Discovery Documents is brought to you for free and open access by the Federal District Court Filings at UW Law Digital Commons. It has been accepted for inclusion in 70-cv-9213, U.S. v. Washington by an authorized administrator of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

EDGAR SCOTFIELD, CLERK

By W Deputy

CIVIL NO. 9 2 1 3

AMENDMENT TO DEFENDANT
DEPARTMENT OF FISHERIES'
ANSWERS TO PLAINTIFFS'
SIXTH REQUEST FOR ADMISSIONS

* * *

6.016 Admitted.

6.018 Denied for the reason that Columbia River fisheries are not on mixed stocks as are Puget Sound marine fisheries and consequently a general restriction on Puget Sound marine fisheries would not have as predictable effect on the number of fish reaching specific rivers as a restriction on lower Columbia River fisheries would on the number of fish reaching the upper Columbia River. Additionally, the management technique of estimating escapement before any harvest by the use of dam counts is not available in the case area because there are no dams located geographically in front of or in close proximity to fisheries.

Amend. to Ans. to Pltfs'
6th Request for Admissions - 1

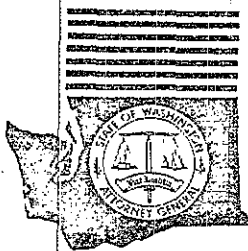
318

1 7.717 Admitted that Director Tollefson so testified, but
2 that the position of the Department of Fisheries at time of trial is
3 that the best standard for achieving fair and equitable regulation of
4 treaty Indian fishing is to provide a fair and equitable opportunity
5 for Indians to take fish based on a percentage share of the harvest
6 of fish from the river upon which there is an Indian fishery.

7 DATED this 31st day of July, 1973.

8 SLADE GORTON
9 Attorney General

10 *Earl R. McGimpsey*
11 EARL R. MCGIMPSEY
12 Assistant Attorney General
13 Attorneys for Defendant
14 Department of Fisheries
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33



OFFICE OF THE ATTORNEY GENERAL

SLADE GORTON ATTORNEY GENERAL
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98504

July 31, 1973.

Honorable George H. Boldt, Judge
United States District Court
P. O. Box 1935
Tacoma, WA 98401

Re: U.S. v. Washington
Civil No. 9213

Dear Judge Boldt:

Defendant Department of Fisheries, in the referenced action, submits its amended response to plaintiffs' Sixth Request for Admissions, enclosed herewith.

The reason for this amendment is that in coordinating all defendant's answers to plaintiffs' Requests for Admissions, defendant Department of Fisheries' answers set forth in the amendment were not included. This fact is reflected in the original answers filed with the court.

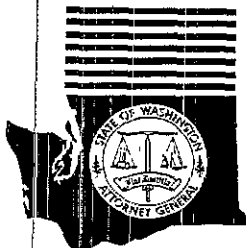
I apologize for this error and have taken necessary steps to assure that the error is not reflected in the final pretrial order.

Sincerely,

FOR THE ATTORNEY GENERAL

EARL R. MCGIMPSEY
Assistant Attorney General

SG
ERM:mlj
Encs.
cc - All Counsel



OFFICE OF THE ATTORNEY GENERAL

SLADE GORTON ATTORNEY GENERAL
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98504

July 31, 1973

RECEIVED

AUG 1 1973

Office of Clerk
U. S. District Court

Clerk of the United States
District Court
P. O. Box 1935
Tacoma, WA 98401

Re: U.S. v. Washington
Civil No. 9213

Dear Sir:

Please file the enclosed Amendment to Defendant Department of Fisheries' Answers to Plaintiffs' Sixth Request for Admissions, our Affidavit of Service by Mailing and the copy of my letter to Judge Boldt in the referenced action.

Thank you for your cooperation in this matter.

Sincerely,

FOR THE ATTORNEY GENERAL

Earl R. McGimpsey

EARL R. MCGIMPSEY
Assistant Attorney General

SG
ERM:mlj
Encs.