

8-20-1973

Docket Entry 342 - Filed & entered order regarding Motion to limit environmental issues in trial

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FILED

AUG 20 11 25 AM '73

EDGAR SCOTFIELD, CLERK
U.S. DISTRICT COURT
W.D. OF WASHINGTON
BY *eh* DEPUTY CLERK

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14 Of Counsel

15 Attorneys for Plaintiff
16 United States of America

CERTIFICATE OF MAILING

I certify that I mailed a copy of the foregoing
document to which this certificate is attached, to
the attorneys of record of plaintiff, defendant,
on the 13th day of AUGUST, 1973.

UNITED STATES ATTORNEY

By *C. L. Higgins*

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 QUINULT TRIBE OF INDIANS on its own behalf
17 and on behalf of the QUEETS BAND OF INDIANS;
18 MAKAH INDIAN TRIBE; LUMMI INDIAN TRIBE; HOH
19 TRIBE OF INDIANS; MUCKLESHOOT INDIAN TRIBE;
20 SQUAXIN ISLAND TRIBE OF INDIANS; SAUK-
21 SUATTLE INDIAN TRIBE; SKOKOMISH INDIAN
22 TRIBE; CONFEDERATED TRIBES AND BANDS OF THE
23 YAKIMA INDIAN NATION; UPPER SKAGIT RIVER
24 TRIBE; STILLAGUAMISH TRIBE OF INDIANS; and
25 QUILEUTE INDIAN TRIBE;

26 Intervenor-Plaintiffs,

27 v.

28 STATE OF WASHINGTON,

29 Defendant,

30 THOR C. TOLLEFSON, Director, Washington
31 State Department of Fisheries; CARL CROUSE,
32 Director, Washington Department of Game;
and WASHINGTON STATE GAME COMMISSION; and
WASHINGTON REEF NET OWNERS ASSOCIATION,

Intervenor-Defendants.

CIVIL NO. 9213

ORDER

942 713

1 After considering the motion of the defendant State of
2 Washington to limit environmental issues, the plaintiffs response
3 thereto, and the various written and oral argument thereto:

4 IT IS HEREBY ORDERED:

5 1. In the trial of this case, commencing August 27, 1973
6 and the orders based thereon, no affirmative relief will be
7 entered against the defendant State of Washington on environmental
8 matters, such as water use, water and air pollution, water
9 diversion, watercourse alteration, land use, and construction
10 of facilities, except to the extent that such environmental
11 matters lie within the jurisdiction of the defendants Department
12 of Fisheries and Department of Game;

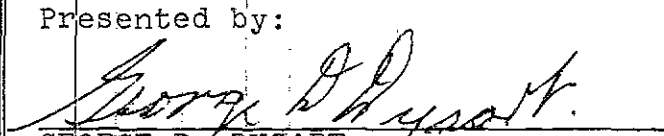
13 2. Testimony and other evidence on such environmental
14 matters will be accepted by the Court provided it is relevant
15 to the issues to be resolved at said trial as stated in the
16 Final Pretrial Order or is otherwise admitted by the Court in
17 its discretion; and

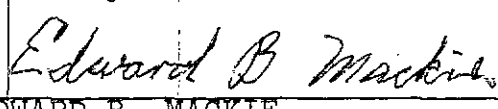
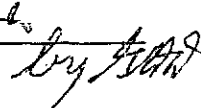
18 3. After the arguments of counsel are concluded and the
19 issues raised in the initial trial are submitted, the Court will
20 consider, after notice and an opportunity for each party to
21 present its views, further issues to be determined in the case.

22 DATED this 13th day of August, 1973.

23
24 
25 UNITED STATES DISTRICT JUDGE

26 Presented by:

27 
28 GEORGE D. DYSART
29 Attorney for Plaintiffs

30 
31 EDWARD B. MACKIE
32 Attorney for Defendants 

Page 2 - ORDER