

8-24-1973

Docket Entry 354 - Filed and Entered Pre-Trial Order admitting exhibits

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Docket Entry 354 - Filed and Entered Pre-Trial Order admitting exhibits (1973),
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Attorneys for Plaintiff
United States of America

FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AUG 24 1973

EDGAR SCOFIELD, CLERK

By _____ Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, et al,)
)
Plaintiff,)
)
vs.)
)
STATE OF WASHINGTON, et al,)
)
Defendants)

NO. 9213

PRE-TRIAL ORDER

ADMITTING EXHIBITS

Counsel for the parties having agreed to the admissibility
of certain exhibits, and the Court having received notice of their
agreement at the final pre-trial conference, it is hereby ORDERED:

That the exhibits, which are designated admissible in
Part Ten of the final pre-trial order and which are marked as
"Admitted" or "Admitting" on the list attached hereto, are admitted
into evidence in this case.

DATED this 24th day of August, 1973.

Frank G. Groat
UNITED STATES DISTRICT JUDGE

947 354

August 27, 1973 -

United States v. Washington, No. 9213

MASTER EXHIBIT LIST

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>PTO* ID.</u> | | <u>TRIAL</u> | |
|------------|--|-----------------|--------------|--------------|-----------------|
| | | <u>ADM'BL</u> | <u>AUTH.</u> | <u>ID.</u> | <u>ADMITTED</u> |
| JX-1a | Colored Case Area Map | | | | ✓ |
| JX-1b | Black and White Case Area Map | | | | ✓ |
| JX-2a | Joint Biological Statement through Appendix IV | | | | ✓ |
| JX-2b | Joint Biological Statement, Appendix V | | | | ✓ |

*/ "PTO ID" indicates that the exhibit has been identified in the Final Pretrial Order. A check in the "ADM'BL" column indicates that the exhibit is agreed admissible; a check in the "AUTH." column indicates that the exhibit is agreed authentic, but is subject to objection as to admissibility.

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| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
|------|--|---------|-------|-------|----------|
| | | ADM' BL | AUTH. | ID. | ADMITTED |
| PL-1 | 4-page typed document of letter dated August 30, 1854 from Charles E. Mix, Acting Commissioner of Indian Affairs to Stevens. Instructions to Stevens regarding treaties. | | | | ✓ |
| PL-2 | Excerpts from House Document 315, 54th Cong. 2d. Session, Report of Joint Commissioners (U.S. and Canada) concerning the preservation of fisheries in waters contiguous to the United States and Canada, December 31, 1896. Pages 1-2, 14-15, 163-178. | | | | ✓ |
| PL-3 | Typed letter written by M.T. Simmons, Indian Agent, dated October 26, 1859. | | | | ✓ |
| PL-4 | Typed letter by M.T. Simmons, Indian Agent, dated December 13, 1859. | | | | ✓ |
| PL-5 | Memorandum opinion dated July 27, 1972, by Department of the Interior Associate Solicitor, Indian Affairs, entitled "Treaty Status of the Muckle-shoot Indian Tribe of the Muckleshoot Reservation", 80 I.D. 222. | | ✓ | | |
| PL-6 | Typed report of 1860 from Commissioner of Indian Affairs to Secretary of the Interior. Report sent by M.T. Simmons, Indian Agent, Washington Territory, to Edward R. Geary, Superintendent of Indian Affairs, Oregon and Washington Territory. | | | | ✓ |
| PL-7 | One-page longhand letter dated December 6, 1856 from Isaac I. Stevens to E.S. Fowler. | | | | ✓ |
| PL-8 | Three-page longhand letter dated December 16, 1856 from E.S. Fowler to Isaac I. Stevens with one-page typed version attached. | | | | ✓ |
| PL-9 | 35-page typed document (pp. 8-42) of Report of George Gibbs, dated March 4, 1854 to Captain McClellan and published as Executive Document No. 91, House of Representatives for Second Session of 33rd Congress (from Pacific Rail Road Report) | | | | ✓ |

| | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | | ADM'BL | AUTH. | ID. | ADMITTED |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | PL-10a | 14-page typed and longhand document, partial record of proceedings of commission to hold treaties with tribes in Washington Territory and Blackfoot country December 7-26, 1854. | | | | ✓ |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | PL-10b | 14-page typed and longhand document, another copy of proceedings of Commission to hold treaties with tribes in Washington Territory and Blackfoot country between December 7, 1854 and January 3, 1855. | | | | ✓ |
| 7 | | | | | | |
| 8 | | | | | | |
| 9 | | | | | | |
| 10 | PL-11: | 12-page longhand document, letter dated December 30, 1854 from Stevens to Commissioner of Indian Affairs transmitting Treaty of Medicine Creek and proceedings of Treaty Commission between December 7-26, 1854, tracings of Nisqually, Puyallup and Squawksin Reservations. | | | | ✓ |
| 11 | | | | | | |
| 12 | | | | | | |
| 13 | | | | | | |
| 14 | PL-12 | 6-page typed documents of partial record of proceedings on January 22, 1855, Treaty of Point Elliott negotiated and executed. | | | | ✓ |
| 15 | | | | | | |
| 16 | | | | | | |
| 17 | PL-13 | 5-page longhand document of draft of Treaty of Point Elliott (with changes shown) drafted by U.S. Treaty Commission. | | | | ✓ |
| 18 | | | | | | |
| 19 | | | | | | |
| 20 | PL-14 | 14-page longhand document consisting of a letter dated May 4, 1855, from Stevens to Commissioner of Indian Affairs transmitting proceedings of Treaty of Point Elliott Treaty Commission, between January 5-23, 1855, and transmitting Treaties of Point Elliott, Point No Point and Neah Bay, negotiated and executed respectively January 22, 25 and 31, 1855. | | | | ✓ |
| 21 | | | | | | |
| 22 | | | | | | |
| 23 | | | | | | |
| 24 | | | | | | |
| 25 | PL-15 | 8-page longhand document of record of council proceedings, wherein Treaty of Point No Point negotiated and executed January 24-26, 1855. | | | | ✓ |
| 26 | | | | | | |
| 27 | | | | | | |
| 28 | PL-16 | 2-page longhand document consisting of a rough draft of portions of Treaty of Neah Bay drafted by U.S. Treaty Commissioners with changes shown. | | | | ✓ |
| 29 | | | | | | |
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| 32 | Page 3 - MASTER EXHIBIT LIST | | | | | |

| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM'BL | AUTH. | ID. | ADMITTED |
| PL 17 | 7-page document (6 pages of longhand text) consisting of record of council and negotiation proceedings prior to and including execution of Treaty of Neah Bay, January 29-31, 1855. | | | | ✓ |
| PL-18 | 7-page document consisting of 4-page longhand letter dated December 21, 1854 and 3-page typed letter dated January 6, 1855 from George Gibbs, surveyor under Treaty of Medicine Creek to Stevens reporting survey of proposed Puyallup Reservation. | | | | ✓ |
| PL-19 | 4-page longhand document of letter dated February 14, 1855 from Commissioner of Indian Affairs to Office of Indian Affairs reporting on Treaty of Medicine Creek. | | | | ✓ |
| PL-20 | 4-page typed document consisting of letter dated August 28, 1856 from Stevens to Commissioner of Indian Affairs recommending change in reservations initially proposed for Nisqually and Puyallup Indians. | | | | ✓ |
| PL-21 | 7-page longhand document of report dated November 29, 1856 by board appointed by Stevens to formulate plan for carrying into effect Treaty of Medicine Creek. | | | | ✓ |
| PL-22 | Longhand letter of approximately 150 pages, from Stevens to Commissioner of Indian Affairs enclosing "Journal of Operations of Governor Stevens, Superintendent Indian Affairs and Commissioner treating with Indian Tribes East of the Cascade Mountains in Washington Territory and Blackfeet and neighboring Tribes near Great Falls of the Missouri in the Year 18 1855", which covers period January 20, 1855 and January 4, 1856. | | | | ✓ |
| PL-23 | Report of Dr. Carroll Riley regarding Muckleshoot Tribe. | | | | ✓ |
| PL-24 | Report of Dr. Carroll Riley regarding Nooksack Tribe. | | | | ✓ |
| PL-25 | 4-page letter dated November 14, 1958 from Bureau of Indian Affairs to Mr. Walter Neubrech. | | | | ✓ |
| Page 4 - MASTER EXHIBIT LIST | | | | | |

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| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM'BL | AUTH. | ID | ADMITTING |
| PL-26 | Representation of areas ceded by treaties involved in this case (overlay map). | | | | ✓ |
| PL-27 | 3-page document dated in 1855 and 1856, including transmittals of treaties. | | | | ✓ |
| PL-28 | 7-page document consisting of letters dated May 9 through June 7, 1853 from George W. Manypenny to Isaac I. Stevens. | | | | ✓ |
| PL-29 | 1-page document of letter dated June 10, 1854 from Charles E. Mix to Secretary of the Interior. | | | | ✓ |
| PL-30 | 7-page document including letter dated February 6, 1854 from George W. Manypenny to Secretary of the Interior. | | | | ✓ |
| PL-31 | 7-page handwritten version of articles of Treaty of Medicine Creek. | | | | ✓ |
| PL-32 | 3-page document including letter of July 9, 1856 from George W. Manypenny to Secretary of the Interior. | | | | ✓ |
| PL-33 | Photographic print depicting ceded areas for treaties involved in this case. | | | | ✓ |
| PL-34 | 4-page letter of July 9, 1856 from George W. Manypenny to Secretary of the Interior. | | | | ✓ |
| PL-35 | Photographic print depicting map "from Wilkins charge of a portion of Puget Sound" forwarded January 1856 by Isaac I. Stevens. | | | | ✓ |
| PL-36 | Print of Olympic Peninsula portion of Washington Territory as mapped for Isaac I. Stevens, circa December 30, 1856. | | | | ✓ |
| PL-37 | Certified Game Commission Minutes, October 2, 1972. | | | | ✓ |
| PL-38 | Certified Game Commission Minutes, January 4, 1973. | | | | ✓ |
| PL-39 | Certified Game Commission Minutes, April 9, 1973. | | | | ✓ |

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| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM | BL AUTH. | ID | ADMITTING |
| PL-53 | Exhibit 1 to deposition of William Frank, Jr. -- drawn map, with pages 31 to 38 of deposition. | | | | ✓ |
| PL-54 | Interior Department Solicitor's Opinion M-36638 regarding off-reservation Indian fishing rights, May 16, 1962, 69 I.D. 68. | | ✓ | | |
| PL-55 | Constitution of the Hoh Indian Tribe. | | | | ✓ |
| PL-56 | Constitution and Bylaws of the Lummi Tribe of the Lummi Reservation, Washington. | | | | ✓ |
| PL-57 | Constitution and Bylaws of the Makah Indian Tribe of the Makah Indian Reservation. | | | | ✓ |
| PL-58 | Constitution and Bylaws for the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington. | | | | ✓ |
| PL-59 | Constitution and Bylaws of the Nisqually Indian Community of the Nisqually Reservation, Washington. | | | | ✓ |
| PL-60 | Constitution and Bylaws of the Puyallup Tribe of the Puyallup Reservation, Washington. | | | | ✓ |
| PL-61 | Constitution and Bylaws of the Quileute Tribe of the Quileute Reservation, Washington. | | | | ✓ |
| PL-62 | Constitution and Bylaws of the Skokomish Indian Tribe of the Skokomish Reservation. | | | | ✓ |
| PL-63 | Constitution and Bylaws of the Squaxin Island Tribe of the Squaxin Island Indian Reservation. | | | | ✓ |
| PL-64 | Constitution and Bylaws of the Sauk-Suiattle Indian Tribe. | | | | ✓ |
| PL-65 | Constitution and Bylaws of the Stillaguamish Indian Tribe. | | | | ✓ |
| PL-66 | Map by Governor Stevens of the Indian Nations and Tribes of the Territories of Washington and Nebraska, 1857. | | | | ✓ |
| Page 7 - MASTER EXHIBIT LIST | | | | | |

| | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| 1 | | | | | | |
| 2 | PL-67a | Oversize illustrative, hanging map of Columbia River system. | | | | ✓ |
| 3 | | | | | | |
| 4 | PL-67b | Oversize, larger hanging map of Fraser River system. | | | | ✓ |
| 5 | | | | | | |
| 6 | PL-67c | Oversize, smaller hanging map of section 29 of Fraser River system. | | | | ✓ |
| 7 | | | | | | |
| 8 | PL-68 | Illustrative overlay map of Washington Department of Fisheries Chum and Pink Study - Locations and information projections. | | | | ✓ |
| 9 | | | | | | |
| 10 | | | | | | |
| 11 | PL-69 | Illustrative overlay map of Washington Department of Fisheries Coho Study - Locations and Information projections. | | | | ✓ |
| 12 | | | | | | |
| 13 | | | | | | |
| 14 | PL-70 | Illustrative overlay map of principal Puget Sound and Coastal Net Fisheries (JX-2A, Figure 25). | | | | ✓ |
| 15 | | | | | | |
| 16 | | | | | | |
| 17 | PL-71 | Illustrative overlay map of streams producing Washington Department of Fisheries fair share base. | | | | ✓ |
| 18 | | | | | | |
| 19 | PL-72 | Illustrative overlay map of Washington Department of Fisheries Chinook and Sockeye Study - Locations and information projection. | | | | ✓ |
| 20 | | | | | | |
| 21 | | | | | | |
| 22 | PL-73 | Illustrative overlay map of usual and accustomed Indian fishing areas. | | | | ✓ |
| 23 | | | | | | |
| 24 | PL-74 | Catch - Millions of (Salmon) Fish - Histogram. | | | | ✓ |
| 25 | | | | | | |
| 26 | PL-75 | 1856 Map prepared by direction of Gov. Isaac Stevens, "Puyallup and Muckelshoot Indian Reservations" by J.B. | | | | ✓ |
| 27 | | | | | | |
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| 32 | Page 8 - MASTER EXHIBIT LIST | | | | | |

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| 2 | | | | | | |
| 3 | USA-1 | 5-page document known as Hisata and Cummins report. compiled in November 1972 (Millenbach deposition Exhibit 1). | | | | ✓ |
| 4 | | | | | | |
| 5 | USA-2 | 2 to 4-page documents consisting | | | | |
| 6 | through USA-11 | of summaries of Washington steelhead catch during years 1962 through 1971. | | | | ✓ |
| 7 | | | | | | |
| 8 | USA-12 | 50-page document consisting of Game Department's "Winter Steelhead Planting and Return Record". | | | | ✓ |
| 9 | | | | | | |
| 10 | USA-13 | 21-page document entitled "Preliminary Report on the Western Washington Indian Steelhead Fishery Investigations, 1971-1972". | | | | ✓ |
| 11 | | | | | | |
| 12 | | | | | | |
| 13 | USA-14 | 56-page document entitled "Puget Sound Indian Tribes Cooperative Meetings Report," October 1971. | | | | ✓ |
| 14 | | | | | | |
| 15 | | | | | | |
| 16 | USA-15 | 1-page document of Game Department data regarding steelhead plants and catch in White River from 1946 to 1971. | | | | ✓ |
| 17 | | | | | | |
| 18 | USA-16 | 1-page document of Game Department data regarding steelhead plants and catch in Puyallup River from 1947 to 1970. | | | | ✓ |
| 19 | | | | | | |
| 20 | | | | | | |
| 21 | USA-17 | 4-page document of Game Department data regarding planting records for Carbon River, White River, South Prairie portion of Puyallup River and Puyallup River from 1946 to 1972. | | | | ✓ |
| 22 | | | | | | |
| 23 | | | | | | |
| 24 | | | | | | |
| 25 | USA-18 | 11-page document of Game Department winter-run steelhead plants for Puyallup River from 1962 to 1972. | | | | ✓ |
| 26 | | | | | | |
| 27 | USA-19 | 1956 annual report of International Pacific Salmon Fisheries Commission (29 pages). | | | | ✓ |
| 28 | | | | | | |
| 29 | | | | | | |
| 30 | USA-20 | Summary. (with noted objections) | | | | ✓ |
| 31 | USA-21 | Makah Economy Circa 1855 and the Makah Treaty --- A Cultural Analysis. | | | | ✓ |
| 32 | | | | | | |

Page 9 - MASTER EXHIBIT LIST

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| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
|---|-------------------------------|--|---------|-------|-------|-----------|
| | | | ADM'BL | AUTH. | ID | ADMITTING |
| | USA-22 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Quileute and Hoh Indians. | | | | ✓ |
| | USA-23 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Skokomish Tribe of Indians. | | | | ✓ |
| | USA-24 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Squaxin Tribe of Indians. | | | | ✓ |
| | USA-25 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Nisqually Tribe of Indians. | | | | ✓ |
| | USA-26 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Puyallup Tribe of Indians. | | | | ✓ |
| | USA-27a | Anthropological Report on the Identity and Treaty Status of the Muckleshoot Indians. | | | | ✓ |
| | USA-27b | Anthropological Report on the Traditional Fisheries of the Muckleshoot Indians. | | | | ✓ |
| | USA-28 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Stillaguamish Indians. | | | | ✓ |
| | USA-29 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Sauk-Suiattle Tribe of Indians. | | | | ✓ |
| | USA-30 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Lummi Tribe of Indians. | | | | ✓ |
| | USA-31 a-e | Letters and portions of 1942 Swindell Report. | | ✓ | | |
| | USA-32 | 53-page document of portions of Game Department Manual. | | | | ✓ |
| | USA-33 | 14-page document entitled "Natural Rearing Pond Production of Steel-head Trout" by Clifford Millenbach. | | | | ✓ |
| | Page 10 - MASTER EXHIBIT LIST | | | | | |

| | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | | ADM'BL | AUTH. | ID | ADMITTING |
| 1 | | | | | | |
| 2 | USA-34 | 25-page document entitled | | | | |
| 3 | | "Studies on the Life History | | | | ✓ |
| 4 | | of the Puget Sound Steelhead | | | | |
| 5 | | (Salmo gairdnerii)", published | | | | |
| 6 | | 1940. | | | | |
| 7 | USA-35 | Relevant background description | | | | ✓ |
| 8 | | of Dr. Barbara Lane. | | | | |
| 9 | USA-36 | Direct testimony of James L. | | | | ✓ |
| 10 | | Heckman (objections noted). | | | | |
| 11 | USA-37 | Designated deposition of | | | | ✓ |
| 12 | | R.W. Josephson. | | | | |
| 13 | USA-38 | Designated deposition of | | | | ✓ |
| 14 | | Walter E. Neubrech. | | | | |
| 15 | USA-39 | 1971 Edition of Game Code | | | | ✓ |
| 16 | | of the State of Washington. | | | | |
| 17 | USA-40 | Document entitled "Some | | | | ✓ |
| 18 | | Factors Affecting Steelhead | | | | |
| 19 | | Harvest Rates in the State | | | | |
| 20 | | of Washington," by Duane O. | | | | |
| 21 | | Braaten, August 26, 1970. | | | | |
| 22 | USA-41 | (a) Findings of Fact and | | | | ✓ |
| 23 | | Opinions of the Indian Claims | | | | |
| 24 | | Commission in Docket No. 98 | | | | |
| 25 | | (Muckleshoot Tribe) and (b) | | | | |
| 26 | | Court of Claims' order on appeal | | | | |
| 27 | | therefrom. | | | | |
| 28 | USA-42 | 4-page document of written testimony | | | | |
| 29 | | of Director of Game Department | | | | |
| 30 | | to Joint Committee on Natural | | ✓ | | |
| 31 | | Resources of Washington State | | | | |
| 32 | | Legislature. [Defendants object | | | | |
| | | on grounds of relevancy only.] | | | | |
| | USA-43 | U.S. Department of Interior, Bureau | | | | ✓ |
| | | of Indian Affairs, "Governing | | | | |
| | | Bodies of Federally Recognized | | | | |
| | | Indian Group (Excluding Alaska), | | | | |
| | | May, 1973. | | | | |
| | USA-44 | U.S. Department of Interior, | | | | ✓ |
| | | Bureau of Indian Affairs, | | | | |
| | | "American Indians and their | | | | |
| | | Federal Relationship", | | | | |
| | | March, 1972. | | | | |
| | USA-45 | Address of Benjamin F. Shaw, | | ✓ | | |
| | | Volume V, proceedings of the | | | | |
| | | Oregon Historical Society, | | | | |
| | | 1903. | | | | |
| | Page 11 - MASTER EXHIBIT LIST | | | | | |

| | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | | ADM'BL | AUTH. | ID | ADMITTING |
| 1 | | | | | | |
| 2 | USA-46a | Letter of May 5, 1952 to | | | | ✓ |
| 3 | | Raymond H. Bitney from | | | | |
| 4 | | Edward G. Swindell. | | | | |
| 5 | USA-46b | Letter of September 5, 1962 | | | | ✓ |
| 6 | | to Mr. M. Schwartz from | | | | |
| 7 | | Walter Neubrech. | | | | |
| 8 | USA-46c | 25 C.F.R. Part 256. | | | | ✓ |
| 9 | USA-46d | Bureau of Indian Affairs | | | | ✓ |
| 10 | | Application Form for | | | | |
| 11 | | Indian Off-Reservation | | | | |
| 12 | | Treaty Fishing Identification | | | | |
| 13 | | Card. | | | | |
| 14 | USA-46e | Temporary (pink) Treaty | | | | ✓ |
| 15 | | Fishing Identification | | | | |
| 16 | | Card (Sample). | | | | |
| 17 | USA-46f | Permanent (blue) Treaty | | | | ✓ |
| 18 | | Fishing Identification | | | | |
| 19 | | Card (Sample). | | | | |
| 20 | USA-46g | Letter of September 6, | | | | ✓ |
| 21 | | 1967, to Bertha McJoe from | | | | |
| 22 | | George Felshaw. | | | | |
| 23 | USA-47 | Record of Off-Reservation | | | | ✓ |
| 24 | | Treaty Identification Cards | | | | |
| 25 | | Issued. | | | | |
| 26 | USA-48 | Notice from Portland Area | | | | ✓ |
| 27 | | Office, Bureau of Indian | | | | |
| 28 | | Affairs, to Washington | | | | |
| 29 | | Department of Game, dated | | | | |
| 30 | | September 21, 1967, with | | | | |
| 31 | | distribution list. | | | | |
| 32 | USA-49 | "The Persistence of Inter- | | | | ✓ |
| | | village Ties Among the Coast | | | | |
| | | Salish," Wayne Suttles. | | | | |
| | USA-50 | Volume 1, "As Told By the | | | | ✓ |
| | | Pioneers", 1937, pp. 166 | | | | |
| | | through 184. | | | | |
| | USA-51 | "Cultural and Natural Areas | | | | ✓ |
| | | of Native North America," | | | | |
| | | A.L. Kroeber, 1939. | | | | |

| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM ¹ BL | AUTH. | ID | ADMITTING |
| Y-1 | 12-page longhand document consisting of portions of the Journal of James Doty, Secretary for Treaties in Washington Territory, showing proceedings between January 20 and May 21, 1855, assembling Indian people for councils in Walla Walla Valley. | | | | ✓ |
| Y-2 | 12-page longhand document of another copy of document described as Y-2a. | | | | ✓ |
| Y-3 | 93-page longhand document consisting of official proceedings at the council in Walla Walla Valley, negotiation and execution of Treaty with Yakima at council between June 9-11, 1855, which record covers period between May 22 and June 11, 1855. | | | | ✓ |
| Y-4 | 75-page typed document of record of proceedings at council in Walla Walla Valley, June 9-10, 1855 (portions). | | | | ✓ |
| Y-5 | 22-page longhand document consisting of Treaty of June 9 and 11, 1855 with Yakima and Confederated Tribes in Walla Walla Valley; 3-page letter from Isaac I. Stevens to Commissioner of Indian Affairs dated June 14, 1855; the treaty; proceedings of the council. | | | | ✓ |
| Y-6 | 6-page document consisting of accurately typed version of Treaty with Yakimas, June 9, 1855, 12 Stat. 951. | | | | ✓ |
| Y-7 | The Yakima Enrollment Act of August 9, 1946 (60 Stat. 968) as amended (84 Stat. 1874). | | | | ✓ |
| Y-8 | 4-page document of pages 15, 16 and 117 from 1972 State of Washington Pocket Data Book. [Defendants object on grounds of relevancy only.] | | ✓ | | |
| Y-9 | 7-page document, portions of December 1972 report entitled "An Economic Analysis of the Labor Market for the Yakima Indian Nation" compiled by Battelle Northwest Pacific Laboratories. [Defendants object on grounds of relevancy only.] | | ✓ | | |

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| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM'BL | AUTH. | ID | ADMITTING |
| MLQ-1 | Report entitled "A Brief History of the Salmon Fishing and Canning History on Puget Sound" by Robert Paul Thomas. [Defendants object to the admissibility of this exhibit on the grounds of competency and that Dr. Thomas does not show adequate factual foundation for his opinions.] | | ✓ | | |

| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM' | BL AUTH. | ID | ADMITTING |
| F-1 | Schematic drawing of typical river (for illustration only). | | | | ✓ |
| F-2 | Comparison of the Effects of a Quota and of a Percent of Harvest Upon a Treaty Indian Fishery (for illustration only). | | | | ✓ |
| F-3 | 1970 Fisheries Report of the Washington Department of Fisheries. | | | | ✓ |
| F-4 | Records of the Department of Fisheries concerning the Catch of Fall Chinook by Puyallup Indians and the Corresponding Return of Adults to the Puyallup River Salmon Hatchery. | | | | ✓ |
| F-5 | Outline of the Steps Followed by the Department of Fisheries in Establishing Annual Puget Sound Commercial Salmon Regulation. | | | | ✓ |
| F-6 | Report of Dr. Stephen Mathews, commissioned by the Department of Fisheries concerning Catches of Salmon from Indian Fishery Rivers of Puget Sound, Coastal Washington, and the Strait of Juan de Fuca. | | | | ✓ |
| F-7 | Salmon Catch and Escapement for Several Rivers on which Treaty Indian Fisheries Occur in Puget Sound and Coastal Areas, as determined by Dr. Stephen Mathews. | | | | ✓ |
| F-8 | Salmon Catch and Escapement for Hoh River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| F-9 | Salmon Catch and Escapement for Hoko River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| F-10 | Salmon Catch and Escapement for Nisqually River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| F-11 | Salmon Catch and Escapement for Nooksack River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| F-12 | Salmon Catch and Escapement for Puyallup River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| Page 17 - MASTER EXHIBIT LIST | | | | | |

| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | | ADM'BL | AUTH. | ID | ADMITTING |
| | F-13 | Salmon Catch and Escapement for Quillayute River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| | F-14 | Salmon Catch and Escapement for Skagit River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| | F-15 | Salmon Catch and Escapement for Skokomish River, as determined by Dr. Stephen Mathews. | | | | ✓ |
| | F-16 | Salmon Catch and Escapement for Snohomish-Stillaguamish Rivers, as determined by Dr. Stephen Mathews. | | | | ✓ |
| | F-17 | Salmon Catch and Escapement for Southern Puget Sound, as determined by Dr. Stephen Mathews. | | | | ✓ |
| | F-18 | Department of Fisheries Report on Salmon Escapement and Desired Escapement Levels to Certain Puget Sound Systems containing Indian Fisheries. | | | | ✓ |
| | F-19 | Records of the Department of Fisheries concerning Skokomish River Indian Chinook Catches. | | | | ✓ |
| | F-20 | Department of Fisheries records concerning hatchery surplus salmon given to Indian Tribes in 1972. [Plaintiffs object on grounds of relevancy and materiality.] | | ✓ | | |
| | F-21 | Computer run by the Department of Fisheries concerning 1971 Puget Sound Coho - All Gear Combined, Excluding Troll Strait of Juan de Fuca, pp. 1-4. | | | | ✓ |
| | F-22 | Records of the Department of Fisheries concerning Ozette River Indian Sockeye Catches, 1948-1972. | | | | ✓ |
| | F-23 | Records of the Department of Fisheries concerning Quinault River Sockeye Indian Catches, 1935-1972. | | | | ✓ |
| | F-24 | Accurate copy of a letter to Thor Tollefson from Quinault Tribal Council, June 13, 1973. | | | | ✓ |
| | F-25 | Accurate copy of a letter to Muckleshoot Tribal Council from A. Dennis Austin, Fisheries Management Biologist, June 21, 1973. | | | | ✓ |

| | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| 1 | | | | | | |
| 2 | F-26 | Analysis of Salmon Catches in | | | | |
| 3 | | Washington State Managed Waters | | | | |
| 4 | | Originating from Indian Fishery | | | | ✓ |
| 5 | | Rivers of Puget Sound and | | | | |
| | | Coastal Waters (objections | | | | |
| | | noted). | | | | |
| 6 | F-27 | Direct testimony of Thor C. | | | | ✓ |
| | | Tollefson (objections noted). | | | | |
| 7 | F-28 | Direct testimony of J.E. | | | | ✓ |
| 8 | | Lasater (objections noted). | | | | |
| 9 | F-29 | Designated testimony of | | | | ✓ |
| | | James Heckman (objections noted). | | | | |
| 10 | F-30 | Designated interrogatories answers | | | | ✓ |
| 11 | | of plaintiffs (objections noted). | | | | |
| 12 | F-31 | Direct testimony of Dr. Stephen | | | | ✓ |
| | | Mathews (objections noted). | | | | |
| 13 | F-32 | Deposition of Dr. Kenneth Henry. | | | | ✓ |
| 14 | F-33 | Deposition of Harold Eugene Ikebe. | | | | ✓ |
| 15 | F-34 | Deposition of Benjamin R. Wright. | | | | ✓ |
| 16 | F-35 | Deposition of Louis A. Cloud. | | | | ✓ |

| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | | ADM'BL | AUTH. | ID | ADMITTING |
| | G-1 | Bibliography of Carroll A. Riley. | | | | ✓ |
| | G-2a | Aboriginal populations of the Lower Northwest Coast, Herbert C. Taylor, Jr., October 1963, Pacific Northwest Quarterly. | | | | ✓ |
| | G-2b | The Utilization of Archeological and Ethnohistorical Data in Estimating Aboriginal Population, Herbert C. Taylor, Jr., Volume 32, 1962, Bulletin of the Texas Archeological Society. | | | | ✓ |
| | G-2c | The "intermittent Fever" Epidemic of the 1830's on the Lower Columbia River, Herbert C. Taylor, Jr., Lester Hoaglin, Jr., 1962, Ethnohistory. | | | | ✓ |
| | G-3 | Partial Recitation of Data on Native North America, A.L. Kroeber, 1939, University of California Publications in American Archeology and Ethnology. | | | | ✓ |
| | G-4 | Tribes of Western Washington and Northwestern Oregon, George Gibbs, M.D., 1877, Department of the Interior. | | | | ✓ |
| | G-5 | The Makah Indians: A Study of Political and Economic Organization, Carroll A. Riley, 196__, Ethnohistory. | | | | ✓ |
| | G-6 | Indians of the Urban Northwest, edited by Marian W. Smith, 1949, Columbia University Press. | | | | ✓ |
| | G-7 | The Early Diffusion of the Potato Among the Coast Salish, Wayne Suttles, 1951, Southwestern Journal of Anthropology. | | | | ✓ |
| | G-8 | Three Year's Residence in Washington Territory (Shoalwater Bay), James G. Swan, 1857, Harper and Brothers. | | | | ✓ |
| | G-9 | The Quinault Indians, Ronald L. Olson, 1936, University of Washington Publications in Anthropology. | | | | ✓ |
| | G-10 | Accurate copy of a letter to George W. Felshaw to Clifford Millenbach, Chief, Fishery Management Division, January 25, 1971. | | | | ✓ |
| | Page 20 - MASTER EXHIBIT LIST | | | | | |

967

| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 | NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | | ADM' | BL AUTH. | ID | ADMITTING |
| | G-11 | Accurate copy of a reply letter to Clifford Millenbach from George W. Felshaw, Superintendent, Western Washington Agency, Bureau of Indian Affairs, January 27, 1971. | | | | ✓ |
| | G-12 | Dollars and Recreation Use of Wildlife Resources in Washington State, published by the Game Department, December 1969. | | | | ✓ |
| | G-13 | An Examination of the Anadromous Trout Program of the Washington State Game Department, report of Loyd A. Royal to the Washington State Game Department, 1973. | | | | ✓ |
| | G-14 | Written direct testimony of Carl Crouse (objections noted). | | | | ✓ |
| | G-15 | Written direct testimony of Clifford Millenbach (objections noted). | | | | ✓ |
| | G-16 | Written direct testimony of Walter Neubreck (objections noted). | | | | ✓ |
| | G-17 | Indian Claims Commission, Findings of Fact, (a)-(p): | | | | ✓ |
| | (a) | Duwamish Tribe, ICC Docket No. 109, Findings of Fact. | | | | ✓ |
| | (b) | Lummi Tribe, ICC Docket No. 110, Findings of Fact of October 30, 1957, Additional Findings of March 2, 1962 and February 18, 1966. | | | | ✓ |
| | (c) | Makah Tribe, ICC Docket No. 60, Findings of Fact of April 15, 1959, and Docket 60-A, Opinion of May 20, 1970. | | | | ✓ |
| | (d) | Nisqually Tribe, ICC Docket No. 197, Findings of Fact of June 25, 1969. | | | | ✓ |
| | (e) | Puyallup Tribe, ICC Docket No. 203, Findings of Fact of April 25, 1966. | | | | ✓ |
| | (f) | Quileute Tribe and Hoh Tribe, Docket No. 155, Findings of Fact of December 1, 1958. | | | | ✓ |
| | (g) | Quinault Tribe, Docket No. 242, Findings of Fact of December 1, 1958, Opinion of the Commission of December 1, 1958, and Findings of Fact re: Joint Motion for approval of proposed compromise settlement of July 9, 1962. | | | | ✓ |

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| | | ADM' | BL AUTH. | ID | ADMITTING |
| | (h) Skokomish Tribe, Docket No. 296, Findings of Fact of March 6, 1958, Order Amending Finding No. 9 dated June 18, 1959. | | | | ✓ |
| | (i) Squaxin Tribe, Docket No. 206, Findings of Fact of June 30, 1969, Opinion of Commission of June 30, 1969, and additional Findings of Fact of December 8, 1972. | | | | ✓ |
| | (j) Steilacoom Tribe, Docket No. 208, Findings of Fact of September 21, 1962. | | | | ✓ |
| | (k) Stillaguamish Tribe, Docket No. 207, Findings of Fact of February 26, 1965. | | | | ✓ |
| | (l) Upper Skagit Tribe, Docket No. 92, Findings of Fact of March 25, 1960. | | | | ✓ |
| | (m) Kikiallus Tribe, Docket No. 263, Findings of Fact of April 13, 1959. | | | | ✓ |
| | (n) Snohomish Tribe, Docket No. 125. | | | | ✓ |
| | (o) Snoqualmie and Skykomish Tribes, Docket No. 93. | | | | ✓ |

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| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM'BL | AUTH. | ID | ADMITTING |
| RN-1 | Deposition of John R. Brown | | ✓ | | |
| RN-2 | Deposition of Glena H. Schuler. | | ✓ | | |
| RN-3 | Deposition of Jerry M. Anderson. | | ✓ | | |
| RN-4 | Deposition of Forrest L. Kinley. | | ✓ | | |
| RN-5 | Deposition of Herman Olsen. | | ✓ | | |
| RN-6 | Deposition of John B. Finkbonner. | | ✓ | | |

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| NO. | DESCRIPTION | PTO ID. | | TRIAL | |
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| | | ADM'BL | AUTH. | ID | ADMITTING |
| D-1 | Written direct testimony of Carroll L. Riley. | | | | ✓ |

971