

# APPENDIX H:

**From:** [JacobsOly@aol.com](mailto:JacobsOly@aol.com)  
**To:** [Chris Carlson](#)  
**Subject:** Re: Planned Action EIS for Old Brewhouse Area -- Comments  
**Date:** Monday, October 26, 2015 8:29:01 PM

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Chris -- Thank you for being so accommodating. As I said, I did not see in the several announcements I received about commenting on the "Planned Action EIS for the Old Brewhouse Area" an indication about how to comment. It is good of you to accept this email as my formal comment.

I simply want to put in writing what I said at the recent public meeting at city hall. The three alternatives offered do not include the one that I consider the most logical, namely, deconstruct the iconic brick tower building and reconstruct it in another prominent location in Tumwater, preferably in the brewery area and in a location that has good visibility. Use it for any appropriate purpose, but recognize that its very existence is important to Tumwater.

Then raze the other buildings by the river and restore this as a natural area with public trails and nature viewing.

This approach would retain the iconic building without being bound by its original location which has extremely serious access and environmental issues.

A way to think about this is to imagine where we'd be if the iconic building had been in a better location. I am certain that it would have been preserved years ago and would be serving some useful purpose today. The fact that it still stands moldering by the river illustrates how inappropriate the original location for future uses.

Thanks again for accepting this comment for the public record.

Bob Jacobs  
720 Governor Stevens Ave. SE, Olympia 98501  
352-1346  
Tumwater property owner.

In a message dated 10/26/2015 12:28:04 P.M. Pacific Daylight Time, CCarlson@ci.tumwater.wa.us writes:

Hi Bob –

You can send your comments regarding the Planned Action EIS to me.

Thanks.

**Chris Carlson**, AICP

Permit Manager

City of Tumwater

1-1

(360) 754-4180

[ccarlson@ci.tumwater.wa.us](mailto:ccarlson@ci.tumwater.wa.us)

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)



October 29, 2015

Chris Carlson, Permit Manager  
City of Tumwater  
555 Israel Road SW  
Tumwater, Washington 98501

Subject: Tumwater Brewery Draft Planned Action Draft Environmental Impact Statement (EIS)

Dear Mr. Carlson,

Thank you for the opportunity to comment on the Draft EIS for the Tumwater Brewery. Our comments focus on transportation impacts upon Olympia's street network.

Currently, the City of Olympia collects SEPA-based mitigation fees as development takes place in Tumwater. Our practice has been to review each development proposal for which we receive a notice of application and threshold determination, determine if there are impacts to Olympia streets, and submit a written request for mitigation.

In reviewing Section 3.5 of the Draft EIS and Traffic Impact Analysis, we did not find any analysis of impacts to Olympia's streets under any of the alternatives. We request that such analysis be done and incorporated into the Final EIS, including mitigation measures to offset any impacts.

2-1

Given that development may be phased over a several year period, identifying specific mitigation fee amounts would not be a practical approach. Instead, our preference would be the inclusion of language in the Planned Action Ordinance that spells out a process for the review and payment of mitigation fees at the time of land use application and development.

2-2

We would like to meet with you to discuss how best to address impacts to Olympia's streets within the Planned Action framework. I will be in touch after the comment period closes to schedule some time with you.

Thank you, and please do not hesitate to call me at 360-753-8048 if you have questions or would like to discuss our comments.

Cari Hornbein, AICP, Senior Planner  
SEPA Official



October 30, 2015

Mr. Chris Carlson, AICP  
Permit Manager  
City of Tumwater  
Department of Community Development  
555 Israel Road SW 98501-6515

In future correspondence please refer to:

Log: 101615-01-TN  
Property: Tumwater Historic District, 3223 Boston Street SW/240 Custer Way SW  
Re: Draft Planned Action EIS for Tumwater Brewery

Dear Mr. Carlson:

The Washington State Department of Archaeology and Historic Preservation (DAHP) has taken an opportunity to review the Draft Planned Action Environmental Impact Statement (DEIS) for the historic Tumwater brewery property north of Custer Way and on the east shore of the Deschutes River. As you know, the historic brewhouse complex is a component of the Tumwater Historic District, listed in the National Register of Historic Places.

From the DEIS notice, we understand this action will result in the adoption of an ordinance designating the affected property as a Planned Action for the purpose of SEPA compliance. This allows project level environmental review under SEPA to proceed in advance of a project permit application. In response, DAHP staff have reviewed the DEIS to assess impacts of the planned action ordinance on significant cultural and historic properties within the affected area. As a result of our review we are making the following comments and recommendations for your consideration:

- 1) First, we want to acknowledge and express our support for efforts by the City of Tumwater; many public and private entities; and interested citizens in Tumwater and throughout the region who have dedicated much time and hard work to preserve the historic brewery complex and rehabilitate it for the benefit and enjoyment of future generations.
- 2) Regardless of which alternative is selected, we support preparation of an updated historic structures report for the historic buildings in the complex, as recommended in section 3.7.4.
- 3) Also as mentioned in section 3.7.4, we recommend that the U.S. *Secretary of the Interior's Standards for the Treatment of Historic Properties* be required to be applied in evaluating any project proposal for the historic district.
- 4) We recommend that any project proposal within the planned action area be reviewed and approved by the Tumwater Historic Preservation Commission; DAHP should also be afforded an opportunity to review and comment. It should be noted that if historic building rehabilitation projects anticipate taking advantage of various historic preservation tax incentives and/or state and/or federal assistance (i.e. grant, loan, or permit) consultation with DAHP would be required in those circumstances.
- 5) Since Alternatives 1 and 2 provide for new construction in the planned action area, we recommend that any new buildings/structures be sited and designed to not adversely affect historic properties. For guidance, the *Secretary of the Interior's Standards for Rehabilitation* include standards 9 and 10 that address new construction as follows:

3-1



9) *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

10) *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

- 6) We recommend that work related to preservation/rehabilitation of historic properties in the planned action area be performed by professionals meeting National Park Service (NPS) Professional Qualification Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) in the appropriate area of expertise (i.e. history, archaeology, architectural history, architecture, historic architecture).
- 7) In our opinion Alternatives 2 and 3 will have an adverse effect on known and unknown archaeological resources associated with pre-contact and historical use of the project area.
- 8) We recommend mitigation measures for archaeological resources that include at the least a professional archaeological monitor onsite during excavations under a robust monitoring plan reviewed by DAHP and the Tribes.

3-2

Thank you for the opportunity to review and comment. As the planned action ordinance is implemented, DAHP looks forward to working with the City toward successful rehabilitation of the buildings and protection of cultural resources within the sub-area. Should you have any questions on our comments/recommendations, please feel free to contact me at 360-586-3073 or [greg.griffith@dahp.wa.gov](mailto:greg.griffith@dahp.wa.gov).

Sincerely,



Gregory Griffith  
Deputy State Historic Preservation Officer

C: Chuck Denney, City of Tumwater Historic Preservation Commission  
Rhonda Foster, Squaxin Island Tribe THPO  
Stephanie Neal, Archaeologist, Squaxin Island Tribe  
Jackie Wall, Nisqually Tribe Cultural Resources





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

October 30, 2015

Chris Carlson, AICP  
City of Tumwater  
Development Services Department  
555 Israel Road Southwest  
Tumwater, WA 98501

Dear Mr. Carlson:

Thank you for the opportunity to comment on the draft environmental impact statement for the Tumwater Brewery Planned Action as proposed by City of Tumwater and the Economic Development Council of Thurston County. The Department of Ecology (Ecology) reviewed the information provided and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:**  
**Alex Callender (360) 407-6167**

There are currently outstanding violations on site with regard to wetland fill and grade. We would need reasonable assurance that the beneficial uses of waters of the state would be maintained. If mitigation is not provided in a timely manner temporal loss may be added to mitigate for the time that passes between when the project impacts are assessed and when the mitigation is provided. Please have the applicant contact us to finish outstanding mitigation obligations

4-1

Some of those seeps are put in pipes. We would like to see an analysis on how much water is moving through those pipes and have an appropriate size pipe with cleanouts. Any proposal should have avoidance and minimization portion. It is not clear how the project avoids many of the impacts.

4-2

This commercial development must be consistent with the Shoreline Management Act and the local Shoreline Master Program.

4-3

**TOXICS CLEANUP: Thomas Middleton (360) 407-7263**

The facility addressed in this proposal is a suspected contaminated site that is listed on Ecology's Confirmed and Suspected Contaminated Sites List. Hazardous substances may be

present at the site in amounts and/or concentrations likely to affect human health or the environment. If contamination is encountered during the development of the EIS (especially alternatives 2 and 3), testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Thomas Middleton with the SWRO, Toxic Cleanup Program at the phone number given above.

4-4

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(SM:15-5026)

cc: Alex Callender, SEA  
Thomas Middleton, TCP



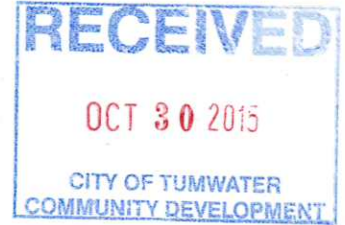
# Falls Development, LLC

3408 South Union Avenue Tacoma, Washington 98409

Office: 253-272-5234 \* Cell: 206-940-2270

October 27, 2015

Michael Matlock, AICP  
Community Development Director  
City of Tumwater  
555 Israel Road SW  
Tumwater, Washington 98501  
Re: Tumwater Brewery Planned Action DEIS Comments



Dear Mr. Matlock;

Thank you for the preparation of a well written Draft EIS. This Planned Action is an important step to the restoration and reuse of the historic and iconic Olympia Brewery. We appreciate the leadership and commitment to this important restoration and reuse effort demonstrated by the State, City of Tumwater, and Thurston County Economic Development Council.

We would like to comment on one important element of the project proposal. It is the inclusion of residences that would provide the following three benefits:

**Security:** On-site residents provide a night time population that provides a neighborhood watch providing security for the buildings and property. The rail line extending along the easterly boundary of the site provides unrestricted access to the property and it has been an entrance for vandals that have caused a fire and substantial damage to the buildings. On-site residents would provide extended eyes and ears for the protection of the property and visitors.

The night time population would provide a sense of security enhancing evening use of the trails and buildings by the public.

**Slope Stabilization:** The construction of an apartment/condo building between the warehouse and easterly slope above the access road would provide a means to stabilize the slope by restoring and enhancing the slope's storm drainage system and providing a retaining wall that would protect the historic warehouse from potential slope failure.

**Economic Benefit:** The on-site residents can help this expensive restoration effort be successful by increasing retail demand and help create a day/night opportunity for dining, entertainment and enjoyment of the retail venues.

Thank you for the opportunity to provide our comments.

Sincerely,

George Heidgerken

5-1

## My comments on the Old Brewhouse DEIS

I see very little in the DEIS that reflects an imaginative or creative vision for redevelopment of Tumwater's most iconic site. What's being proposed are the same highly impactful, highly engineered solutions to perceived problems that would be proposed for any other property in the city. There is nothing here that acknowledges, honors, or works with the very special cultural, historical, or natural features of the area. As far as I can tell, the buildings themselves are to be the main attraction, while the beauty and ecological importance of the existing gorgeous surroundings are to be ignored, or eliminated as an impediment to development.

The developer should *work with* the site's natural elements to make this project not only environmentally and ecologically "sensitive" but a model to others for how it can be done. This is an opportunity to do things differently, in a truly special and unique way. I am not seeing that in this document.

For every "area for discussion in the EIS", Earth, Water, Plants and Animals, Environmental Health, Historic and Cultural Resources, Transportation, Circulation and Parking, Public Utilities, Public Services, Economy, and Community Policy Analysis, the result is the same:

"There are no significant unavoidable adverse impacts...."

I disagree. I will focus on only a few.

### Water

The proposed removal of "Wetland A" obscures the fact that these hillside springs and seeps have been a natural feature of this site from time immemorial. It was this fresh water that drew Adolf Schmidt to the site to make his beer. They are also an important component of Tumwater's nearshore environment.

To eliminate them to install a parking garage does not honor the cultural or natural history of this piece of earth. Having visited the property, there is a lot of water moving from the hillside across the land. Instead of destroying these natural seeps and putting the hillside behind walls and buildings and the water into pipes, why not incorporate this wetland and water into historical attraction in some way?

Furthermore, how does the proposed mitigation of sand bar willow tree plantings compensate for the loss of a wetland?

Eventually, the freshwater environment that is Capitol Lake will be returned to its historical marine state and this site will again be the southernmost point of the Salish Sea, instead of the 5<sup>th</sup> Avenue dam in Olympia. Any mitigation plantings in areas inundated by salt water will die. Where will be the mitigation then? How does the planting of shrubs mitigate for the loss of a wetland?

The public is not getting a full or clear picture of the impacts of this project. What will this site look like when all the cumulative impacts are factored in?

6-1

6-2

6-5

For example, an element of the environment that is not addressed in the DEIS which should have been (especially since I asked for a scenic evaluation in my scoping comments), is:

**Aesthetics.**

Element of the Environment from the SEPA Handbook:

*10. Aesthetics*

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?*
- b. What views in the immediate vicinity would be altered or obstructed?*
- c. Proposed measures to reduce or control aesthetic impacts, if any:*

The Old Brewhouse site is an important and scenic natural area, not only for Tumwater, but for Thurston County. The value and uniqueness of the site does not lie solely with the buildings and their history, but in the beauty of the natural surroundings. The on-site forests are the highly picturesque setting for the old buildings (see attached photos). How would all the alternatives, especially 2 and 3 impact that?

6-3

Information that should be included in the main part of the final EIS (and not stuck in an appendix) is:

How tall would the parking and condo structures be?

What would these buildings look like on-site and in relation to the current buildings?

How would the currently-treed hillside south of the old brewhouse buildings and north of the Schmidt Mansion change in appearance with the building of a parking garage, condos and a new access road?

How many trees and other forest plants would be eliminated from this area to accommodate the new buildings and access road proposed in Alternatives 2 and 3?

6-4

How tall would a retaining wall at the base of the south slope need to be? What would it look like?

Would a retaining wall and/or new buildings necessitate the cutting of trees farther up the south slope?

The fir trees at the top of the south slope (see photos) are very large and tall. They may even be second-growth from when the hillside was cleared 100-plus years ago. These giants currently block some rather unlovely views of the “newer” brewery buildings on Custer Way, including the torn off back of the RST cellar and the office buildings on the south side of Custer. Would these trees be coming down?

6-5

How many trees and other forest vegetation will be cut down to widen and improve the current access road?

How many trees and other forest vegetation would be removed to create a new access road on the west side of the Schmidt Mansion property?

How tall would the hillside retaining wall need to be to widen the current access road with infrastructure improvements? What will the wall look like? Does the wall across from the Falls Terrace Restaurant serve as a useful visual comparison?

6-5

Please include a satellite view of the south slope currently, and a satellite view superimposed with outlines of the correctly-sized building footprints (not just colored blocks) for the parking garage, the condos/apartments, and the new access road.

### **Transportation, Circulation and Parking**

The idea of a parking garage being built at this historic site is wrong on so many levels, and is unnecessary. Many people who live and work in urban environments today don't own cars, but gladly commute to work and shopping by transit.

Why doesn't the developer buy or lease property on another part of the brewery complex for cars to park, then provide access to the old brewhouse site by shuttle bus? My brother Bob tells me that this is done at Harpers Ferry National Historic site, where visitors park their cars on a bluff above the river and are shuttled by bus to the historic old town down below:

6-6

<http://www.nps.gov/hafe/planyourvisit/gettingaround.htm>

Doing that can't be any more expensive than building a parking garage and another access road in such a challenging and sensitive area.

6-7

How about an aerial tram going down to the site from above?

How about entering into an agreement with Union Pacific to use the rail line to bring people into the site?

Access road conceptual drawings were not included as part of the DEIS, but were only shown by request at the public meeting on the DEIS. They should be included as part of the final EIS.

6-8

### **Plants and Wildlife**

This area is alive with wildlife as I wrote about in my scoping comments (which should be included in the Final EIS). The habitat of the whole area below the lower Deschutes falls could be improved greatly, but it should *not* be at the expense of a hillside forest ecology that has taken many decades, if not a full century, to reassert itself after being completely stripped away by our Tumwater forbears. That misguided and damaging historic activity should in no way be repeated in the present day.

6-9

The proposed trail from the site to the lower falls could fragment riparian wildlife habitat and introduce human disturbance into an area where there currently is none. Is there no place to be set aside just for wildlife in Tumwater?

For years, I have heard Tumwater staff and elected officials say that the old brewhouse buildings would never be allowed to be built at their current location today because of the sensitive nature of the site. Yet the redevelopment project being proposed (especially Alternatives 2 and 3), are of the highest intensity possible. City officials have methodically worked over many years to make this happen. This document needs to clearly show them, and the public at large, exactly what the impacts of this development will look like at full build-out, for all alternatives.

6-10

Also, I ask that an indication of what happens next in this public process be posted to the city's web site page for this development.

Nancy Partlow











51 US 101 ACCESS

15 ACCESS

DESCHUTES WAY SE

SIMMONS RD SE

DESCHUTES RIVER

SCHMIDT PL SW

CUSTER WAY SE

ERIE ST SE

CAPITOL BLVD S

CLEVELAND AVE SE

0 460ft



Pat Rasmussen  
PO Box 13273  
Olympia, WA 98508  
Phone: 509-669-1549  
E-mail: [patr@crcwnet.com](mailto:patr@crcwnet.com)  
November 23, 2014

## **What happened to the Steh-chass people?**

The Steh-chass people lived in a permanent village at the base of Tumwater Falls for thousands of years. The Steh-chass village was a permanent settlement – property and food were stored there. They lived in gabled cedar plank homes of rectangular, slightly slanted sides of cedar posts and planks. In the mid-1850's there were three cedar plank homes there.<sup>1</sup> A community of up to eight families lived in each with bed platforms along the walls. The village was a ceremonial site, a sacred site, where at least five tribes - the Nisqually, Squaxin, Chehalis, Suquamish and Duwamish - gathered for ceremonies, feasts, potlatches and to harvest and preserve salmon, clams, mussels, whelms, and moon snails, as well as crabs, barnacles, Chinese slippers, oysters and cockles, by drying, smoking or baking in rock-lined underground ovens.<sup>2</sup> Layers of seashells recorded many years of habitation.

The village was named Steh-chass and the river, now the Deschutes, was named Steh-chass River.<sup>3</sup> The Steh-chass people, a sub-tribe of the Nisqually Indians, fished and gathered seafood all along the shores of Budd Inlet.<sup>4</sup> T. T. Waterman's maps of Budd Inlet from the mid-1800's show the Steh-chass Indians lived along the shores of the entire inlet.<sup>5</sup> The Steh-chass people were led by Sno-ho-dum-set, known as a man of peace.<sup>6</sup> At the Medicine Creek Treaty Council of December 24-26, 1854, Sno-ho-dum-set represented the Steh-chass Indians and was the second name on the Treaty, after Quiemuth and before Leschi.<sup>7</sup>

Their other main village, Bus-chut-hwud, "frequented by black bears," was located near what is today the corner of 4th Avenue and Columbia in Olympia.<sup>8</sup> Sites around Bus-chut-hwud show evidence of fire-cracked rock, indications of a small village.<sup>9</sup> There were twenty or more Indian huts in 1851.<sup>10</sup> All along the beach there were Indian huts and the beach was lined with canoes.<sup>11</sup> Chief Seattle wintered with 250-300 Duwamish and Suquamish Indians on the peninsula near Bus-chut-hwud, north of today's State Street.<sup>12</sup>

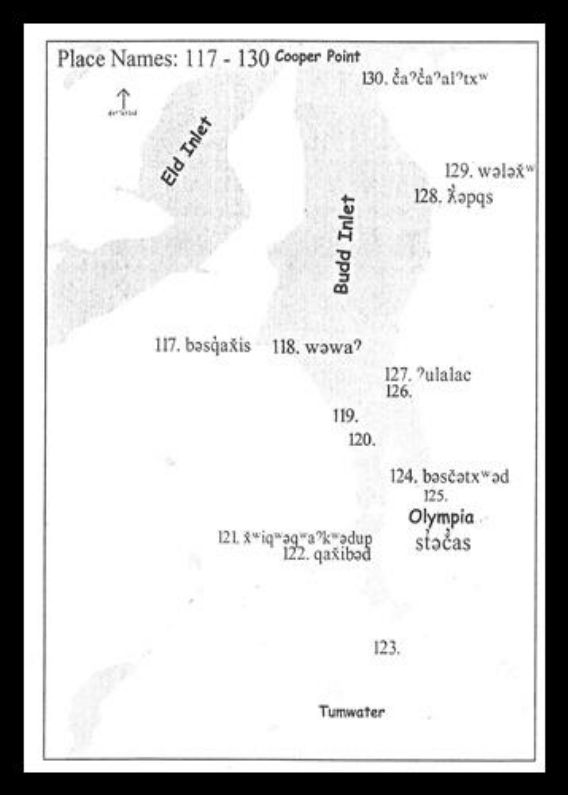
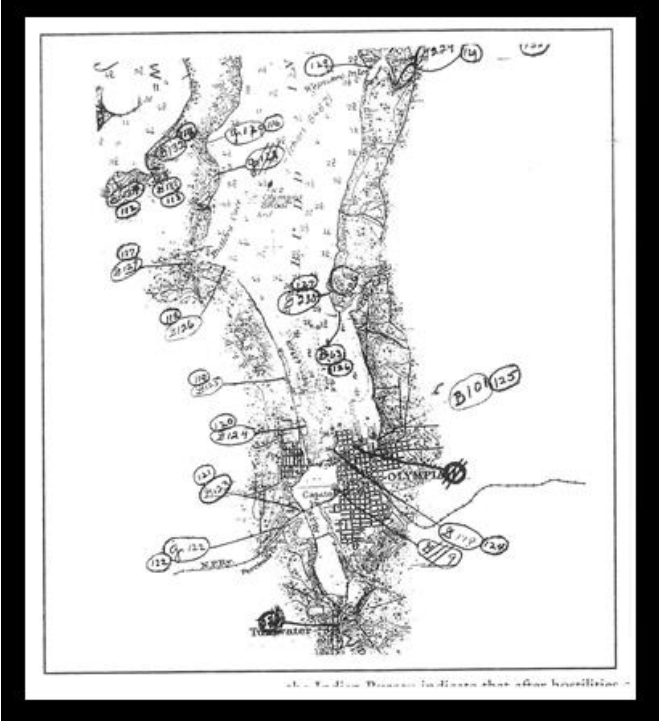
Priest Point was a traditional area for potlatch and parts of Budd Inlet shorelines were sacred burial grounds with tree burial sites.<sup>13</sup> The inlet there was a favorite gathering place for Indians.<sup>14</sup>

The location of the Steh-chass permanent village below Tumwater Falls is documented:

\*\*\* A map by T.T. Waterman from the mid-1800's documents the Steh-chass village location on the Deschutes River at Tumwater.<sup>15</sup>

\*\*\*A map by George Gibbs also locates Steh-chass at that site in his 1855 book *Indian Tribes – Land Ceded by Treaty*.<sup>16</sup> Maps below by TT Waterman show the Steh-chass & Bus-chut-hwud villages in the mid-1800's

**123 SpEkwa'L** "cascade," for the falls in the Deschutes River at Tumwater. The present name for this place, Tumwater, or TE'm-wata as the Indians call it, is the Chinook Jargon word for a waterfall. Costello gives the name Pu-kal-bush for "the Deschutes River at Tumwater." My intuition tells me that he means this for spEkwa'l-b'c, "waterfall, where there is."  
**124 B'ls-tc'xúđ** "frequented by black bears," for an old village site at the present city of Olympia. The old site was in what is now the western part of the city proper, below the viaduct spanning the inlet. Costello gives a word Dus-chut-wit, which he says is the name for the Deschutes River. This term seems to be intended for <sup>124</sup>stcE'txúđ, "black bear place." This, of course, would be another name for the spot we are describing.  
 The name the Indians use for the present town, the state capital, is stE'tc!á's. This name has, however, grown up since the white occupation. It seems to be connected with astE'te!, "splicing two things together." I fancy that this refers to the causeway, which has been built by the city across the inlet, connecting the two shores.  
**125 PE'tz1b** for the cove or inlet east of the business section of Olympia.  
**126 Ts'u'lyad** for Priest Point below Olympia on the eastern shore of the inlet.



\*\*\* A map included in the report of Archaeological Excavation of the Tumwater Site (45TN119) shows Steh-chass at the same location. This report documents people living there from 2,380 years ago, with some implements dating from 13,000 BP.<sup>17</sup>

\*\*\* In *The Puyallup and Nisqually* by Marian Smith, a map shows the Steh-chass village site.<sup>18</sup>

\*\*\* The 1854 "Map of Washington Territory Showing the Indian Nations and Tribes,"

purportedly carried by Isaac Stevens in his pocket during treaty making, shows the original name of the Deschutes River as Steh-chass River and hangs as a blown up display on the second floor of the Washington State Capitol Museum.<sup>19</sup>

\*\*\* The City of Olympia website recounts that the Indian village at the falls of the Deschutes had been occupied as a permanent village by Nisqually Indians for 500 years or more before the coming of the white settlers.<sup>20</sup>

\*\*\* Another village on the west side of the peninsula just below the downtown Olympia bridge was the village named “b’TSUH-t’kood” (frequented by black bears) and further north still, at Doffmeyer Point, was a place called “cheh-tsah-AHL-too”, ‘housepits,’ named for depressions in the ground showing where houses had once stood long ago.<sup>21</sup>

\*\*\* From the City of Olympia website, “The end of what we now know as Budd Inlet was a favorite shellfish gathering site for many Coastal Salish tribes, including the Nisqually, Duwamish and Squaxin. Evidence exists that potlatches, the Northwest tribal custom in which tribal leaders shared their wealth with neighboring tribal groups, were held both east and west of the Inlet near Olympia.”<sup>22</sup>

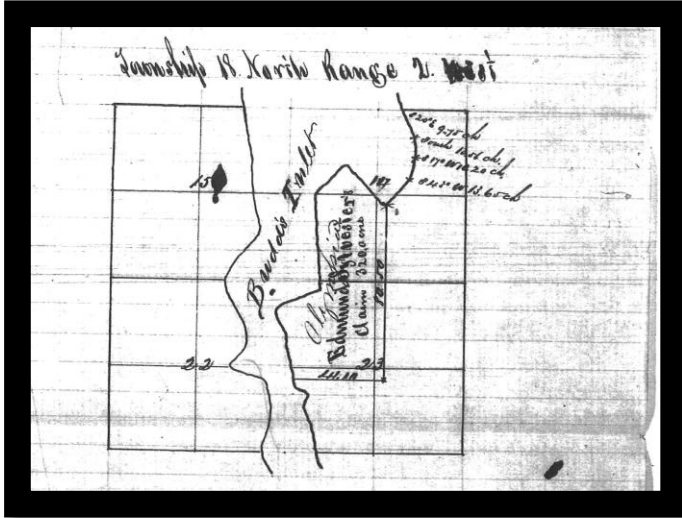
\*\*\* One Nisqually village dated over 5,000 years old. Human occupation of southern Puget Sound dates from 12,000 years ago, ancestors of the Nisqually tribe.<sup>23</sup>

\*\*\* Steh-chass is among locations of other tribes: Elo'sedabsh, on Medicine Creek and the lower reaches of Nisqually River, including a main settlement at the mouth of Nisqually River and Tuda'dab, at the mouth of McAllister or Medicine Creek. The Sahehwamish belonged to the Nisqually dialectic group: Sahehwamish or Sahe'wabsh, on Shelton Inlet, including the main settlement of Sahe'wabsh, at Arcadia, and a village opposite the town of Shelton; Skwayaithlhabsh, on Mud Bay or Eld Inlet; Statca'sabsh, on Budd Inlet, with its principal settlement at Tumwater; Tapi'ksdabsh, with its main settlement on Oyster Bay or Totten Inlet below the town of Oyster Bay; Tutse'tcakl, on South Bay or Henderson Inlet, between the creek at the head and that on the south. The group to which this tribe belonged is estimated by Mooney (1928) to have numbered 1,200 in 1780, and he gives 780 for the year 1907.<sup>24</sup>

The first white settlers to come to Washington State displaced the Steh-chass Indians from their village below Tumwater Falls, today the site of Tumwater Historical Park.

In October of 1845, the first white settlers to come to Washington State traveled up the Cowlitz Trail from Fort Vancouver to Steh-chass. Led by Michael T. Simmons, the settlers arrived at Steh-chass and thought to settle there, but borrowed canoes from the Indians to look around the area. They liked Steh-chass best and chose to settle there, spending their first winter in a cabin near the lower falls of the Deschutes River.<sup>25</sup> The Simmons party met Chief Leschi, a Nisqually, at Tumwater Falls.<sup>26</sup> George Washington Bush, another settler in the party, recalled how Leschi brought urgently needed supplies on pack horses to help the settlers through their precarious first days and taught them how to enjoy unfamiliar types of seafood in which the area abounded. “Leschi was as good a friend as we ever had,” Bush said.<sup>27</sup> And another, James McAllister, became close friends with Leschi who helped McAllister’s family settle near his home at Muck Creek.<sup>28</sup> Seattle, Chief of the Duwamish and Suquamish, met and helped the settlers at Steh-chass too.





Left: Edmund Sylvester's Land Claim of 320 acres, comprising Olympia and the Capitol Campus of today.

By 1855, the Indian village had disappeared, the past residents of Buschut-hwud no longer called the peninsula their home. A massive stockade had been built along 4th Avenue where their village was located and most tribal people were living in internment camps on Squaxin and Fox Islands where many became sick and died.<sup>35</sup> In early fall of 1855, Michael T. Simmons had interned 460 Indians on

Squaxin Island and 1,200 on Fox Island.<sup>36</sup> After the stockade, Indians never returned to settle in any considerable numbers in the immediate neighborhood of the town.<sup>37</sup>

In 1839, American Methodist missionaries led by Dr. John P. Richmond had arrived with the purpose of converting the Indians. They had settled near Fort Nisqually on Sequatchew Creek, a half mile up from the Sound. Fourteen missionaries ran the mission and taught fifty Indian children at the mission school. The "Great Reinforcement" had sailed from New York October 9, 1839 with fifty-two missionaries and workers. The missionaries treated the Indians harshly, calling them "heathens and savages." After two years, in 1842, the mission was shut down and their buildings were burned by the Indians.<sup>38</sup>

In 1848 French Catholic missionaries of the Oblates of Mary Immaculate came to Budd Inlet where they established a mission to minister to local tribes, led by Father Pascal Ricard. They named the mission St. Joseph's of New Market. Father Ricard and three other priests cleared the land, planted a large garden, built a chapel and operated a school for Indian boys organized for the purpose of converting the native population and to teach carpentry and other industrial skills mainly to young converts. Father Pascal fell ill and left in 1857 and in 1860 the mission closed.<sup>39</sup> The mission was built on the site of an Indian village where there was a native cemetery of tree-burials. Nisqually, Puyallup, Chehalis, Suquamish, Duwamish and others shared access to shellfish beds and seasonal encampments and year-round Indian dwellings dotted the shores of Budd Inlet and Priest Point. At Priest Point, a natural spring and a productive fish trap located on Ellis Creek supported permanent residents. Ricard filed a Donation Land Claim that encompassed the mission site and the current park lands.<sup>40</sup>

Lethal diseases that the Indians were not immune to were brought first by ships exploring Puget Sound and the Columbia River, then by the influx of white settlers. By 1776, English and Spanish voyagers had sailed up the Pacific Coast as far as

Washington State. In 1778 the British Captain Cook arrived; and in 1787 the English Captain Charles Barkley explored Juan de Fuca Strait. In 1792 Captains Vancouver, Puget and Whidbey explored Puget Sound and Peter Puget surveyed Budd Inlet. Vancouver went as far south as Eld Inlet, trading. Captain Vancouver noted evidence of smallpox, and said the Sound tribes had a great calamity previous to his visit in the spring of 1792.<sup>41</sup> Also in 1792, Captain Robert Gray explored the Columbia River. Lewis and Clark spent the winter of 1805-06 at the mouth of the Columbia. The Hudson's Bay Company established Ft. Vancouver in 1824 and by 1833 had a fur trading fort at Fort Nisqually; Catholic priests lived there. In 1838 Lt. Charles Wilkes explored the Pacific to expand U.S. commerce and seek the best harbors – he chose San Francisco and Puget Sound. In 1841 a ship explored Thurston County.

Diseases began to take their toll – in some cases entire villages were wiped out. In 1836 intermittent fevers killed Nisqually people and the 1836-37 influenza in south Puget Sound led to 10,000 deaths. Near Walla Walla half the Cayuse Tribe died of smallpox in 1836. Following the explorers, the invasion of American settlers also brought diseases – measles, smallpox, tuberculosis, malaria and the aigue. In 1847 Nisquallies had a measles epidemic. In 1853 a smallpox epidemic killed half the Makah. The Chinooks, in the 1830's a powerful people, were almost all gone a year before the Medicine Creek Treaty of 1854.<sup>42</sup> George Gibbs observed on the Columbia River and at Shoalwater Bay there were a few remnants of the once numerous Chinooks “the smallpox having nearly finished its work in the past year. In winter and spring it spread with a great virulence along the coast as far north as Cape Flattery. Some lodges upon the southern peninsula of Shoalwater Bay were left without a survivor, and the dead were found by the whites lying wrapped in their blankets as if asleep. Quite extensive cemeteries are scattered along the bay...the Makahs had been lately visited by the smallpox, with its customary devastating effects. The Cowlitz, likewise a once numerous and powerful tribe, are now insignificant and fast disappearing. The few bands remaining are intermingled with those of the Upper Chehalis – two united are not over 165 – scattered in seven parties between the mouth of the Cowlitz and the Satsop. The whole number of all Indians south of Puget Sound, and between the Cascades and the coast would be around 850, in place of 3000, the estimate of Captain Wilkes in 1841. The Makahs numbered until recently 550. During the last year the smallpox found its way to their region, and, it is reported, reduced them to 150. The S'Klallams had 1500 fighting men – in January only 375. The Chief said they once had 140 canoes, of 18 to the larger and 14 to the smaller, a total of 2,240 men.”<sup>43</sup> Gibbs estimated there had been 26,800. In the 1835 census, there were numbers like 20,000, now a malignant fever and aigue had raged among them. In 1853 tribes suffered a fourth smallpox epidemic since the white men had come.

The settlers who filed land claims under the Land Donation Act of 1850 complained that they could not get free title to the land because federal law said that the Indians held legal claim to the land. The Northwest Ordinance of 1789 had promised that no Indian land would be taken without tribal consent. For this reason, when Isaac Stevens was appointed the first Washington Territorial Governor and Superintendent of Indian Affairs after Washington Territory was created on March 2, 1853, his first order of business was to extinguish Indian ownership of the land and remove the Indians. A white male who farmed a claim for four years got 320 acres at no cost plus 320 acres for his wife. As Stevens traveled west to Olympia he surveyed land for the Northern Pacific Railway with George Gibbs, an ethnologist and lawyer who spoke Indian languages and had written the first treaties for the Territorial Governor in Oregon in 1851-53. Those treaties had been too generous with land for tribal reservations for the settlers to accept so were not ratified by the Senate. With this experience, when Gibbs wrote the treaties for Governor Isaac Stevens, he gave less land away to the Indians so ratification would be swift. The settlers were arriving in large numbers, building houses and fences in Tumwater, Olympia and Steilacoom and wanted the land title. In 1852 Olympia had a few hundred residents. An 1853 tally of the Washington region showed 2,000 settlers but six times that many Indians. Isaac Stevens determined to make the treaties fast to speed settlement.

Governor Stevens came up the Cowlitz Trail to Olympia November 25, 1853. At the time, Olympia was the largest town because it had been settled first so the Washington State Capitol came to be based there. He surrounded himself with a coterie of thirty settlers and appointed Michael T. Simmons, the first white settler who had located at Steh-chass, as head Indian Agent. Simmons was from Kentucky, a tough guy, barely literate, who regularly vented his displeasures. George Gibbs, his opposite, was cultured, his family had a fortune, he was a lawyer, he recorded Indian language and customs, and became the drafter of the Indian treaties. Stevens directed George McClellan to compile data on every aspect of tribal life west of the Cascades.<sup>44</sup> On February 28, 1854, Stevens' speech to the first session of the newly chosen Washington Legislature stressed that Indian title to the land had to be formally voided so that settlers' Land Donation Act claims could be certified and white settlement quickly expanded once the treaties were in place.<sup>45</sup> In autumn of 1854, in preparation for the first treaty at Medicine Creek, Stevens instructed a three man team to prepare: George Gibbs was to draft a treaty text that could serve as a template for future treaties, while Michael T. Simmons and Frank Shaw<sup>46</sup> were to travel to tribal homelands to figure out which tribes to meet with in what order and groupings and to advise the natives that the new governor would soon invite them to learn about the new living conditions; they preached the necessity of compliance. They traveled to the Puget Sound tribes, looked for friendly leaders, and appointed them as Chiefs so they could sign the papers making the change of title legal. They appointed Quiemuth chief of the Nisqually and his brother

Leschi as sub-chief. George Gibbs conducted an Indian census and found 893 people living in the area – 650 Indians attended the Medicine Creek council.

On December 4, 1854, Stevens' second annual address to the Washington Legislature stressed that the arrangement with the Indians would be imposed, not negotiated: "the time has come for their final settlement."<sup>47</sup> He asked the settlers for their support. He toyed with the idea of moving all western tribes to the east of the Cascades or put all western tribes on one single reservation about forty miles above Olympia at the head of Hood Canal. Gibbs saw that as combustible – it was better to bunch a few friendly tribes on several smaller reservations. At a December 10, 1854 planning session the commission decided to divert the Indians from white settlements at Olympia, Steilacoom and Seattle. When the commission asked Shaw if he could really prevail upon the tribes to accept the pact, he said: "Yes, I can get the Indians to sign their death warrant."<sup>48</sup>

The first treaty was the Medicine Creek Treaty with the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steh-chass, T'Peeksin, Squiatle and Sa-heh-wamish – they lived closest to Olympia. They met for three days, December 24-26, 1854, at Medicine Creek, a sacred retreat where tribal shamans went to restore their curative powers. Shaw read the thirteen articles of the treaty drafted by George Gibbs on December 25. At the time Stevens did not have accurate maps of the tribes' traditional areas, so Shaw asked them to draw maps of their own homelands for a single large map of Indian country. Leschi stopped working on his map when he saw that they were giving the Nisqually a piece of land that was heavily timbered on a high bluff. Leschi said they could not live there – there was no place for their horses to graze, no place to grow food and it was not on the Nisqually River, their traditional home where they lived by fishing. Stevens told him that was the reservation they would get. Leschi was further upset hearing that Stevens planned to move all the Indians to a more remote location – the reservations being negotiated were "temporary." The Puyallups' reservation too would be far from their river. The Indians complained of Stevens' bullying tactics – the command-and-obey process was not a negotiation. He had translators who knew Salish but insisted on using the 500 word Chinook jargon.<sup>49</sup> When Stevens addressed the Indians, he spoke to them like children: "The Great White Father felt for his children. He pitied them, and he has sent me here today to express these feelings, and to make a treaty for your benefit."<sup>50</sup> On the second day, December 25, 1854, Leschi said they would move to a reservation but it had to be on the river. Stevens said no. Leschi took the paper naming him sub-chief out of his pocket, threw it on the ground and stomped on it, then he and his brother Quiemuth left. Michael T. Simmons had told Leschi that if he did not sign the Treaty, he would sign it for him.<sup>51</sup> Leschi was not present on December 26, 1854 when the Treaty was signed, but there is an X by Leschi's name. Five witnesses documented that Leschi did not sign the treaty.<sup>52</sup> Others too did not sign but an X is there. When sent to the U.S. Interior Department, there were sixty-two Indian



names on the treaty with marks beside them. Stevens was happy with the results of the treaty council – none of the reservations would slow down future white settlement. He wrote to George Manypenny, commissioner of the U.S. Office of Indian Affairs at the Department of the Interior, that Article 6 allowed the President to move or consolidate reservation sites whenever it suited the U.S. Government, and he planned to move the Medicine Creek Treaty tribes onto a single, consolidated reservation, perhaps as early as the summer of 1855.<sup>53</sup>

After the new year, 1855, Stevens left to make more treaties west and east of the Cascades. At the time it was estimated there were 10,000 Indians west of the Cascades and 12,000 east of the Cascades. On the east side, there was only one council meeting and 6,000 Indians came. After a three week council, on June 11, 1855, three treaties were signed: one with the Walla Walla, Cayuse and Umatilla; one with the Yakima; and one with the Nez Perce. An Indian council that summer between Yakima, Klickitat and Walla Walla tribes plus Leschi expressed dissatisfaction over the treaties and loss of land. Leschi, whose father was Nisqually and mother was Klickitat with Yakima relatives, carried the message back to the lower Columbia tribes and Nisqually. The tribes had been used to counting coup, stealing horses or slaves as war. They now knew they had to fight the American way: kill the enemy.<sup>54</sup>

Stevens declared Washington Territory open to settlers before the treaties were ratified, which angered the Yakimas. Gold was discovered near Spokane and eight gold seekers crossing Yakima lands were killed as was federal Indian agent Andrew Bolon. Settlers were alarmed and outraged. The 350 or so regular army men posted around the Territory were not enough to quell the natives if they refused to surrender their lands and go to where they were told. On October 14, Acting Governor George Mason (Stevens was away on his treaty-making mission) issued a call for formation of two companies of volunteer militiamen under territorial not federal jurisdiction, one for Olympia and the other for Ft. Vancouver. On October 16, 1855, James McAllister, whose friendship with Leschi had become strained over the Medicine Creek Treaty, wrote to Mason that he should stop Leschi from preparing for war. Mason invited Leschi to meet in his office October 22, 1855 where Leschi again expressed his desire for peace and a reservation on the river. Mason asked Leschi and Quiemuth to bring their families and stay in Olympia until the reservation issue was settled. Leschi apparently said he would think about it, and Mason made no threats of what would happen if they did not. The army asked Mason to summon four additional volunteer militia units – one was put under Captain Charles Eaton, white son-in-law of Leschi, “Eaton’s Rangers,” with second in command Lt. Jim McAllister. They joined with the U.S. Army under Captain Maurice Maloney to go to Yakima country to avenge the deaths there. An October 23, 1855 letter sent to Mason by Second Lieutenant John Nugen of the Olympia militia reported: “The Volunteer Company got off in fine order at 2 p.m.

yesterday – the men in fine spirits and apparently with determination of taking the Scalp of every Red-skin who may be so unfortunate as to fall in their way.”<sup>55</sup> After two days, Leschi had not reported back to Mason, so Mason called on Captain Eaton to form a detachment of nineteen of his rangers, with himself at their head, to apprehend the Nisqually half-brothers at their Muck Creek farm twenty miles away and bring them back to Olympia. When Eaton arrived at the farm, the plow was left standing in the field and Leschi was nowhere in sight. Eaton waited two days, then left, taking fifteen of Leschi’s horses. Leschi had joined other Indians in the deep forest beyond the Puyallup River, in secluded uplands between the White and Green rivers, an ideal haven, only two days from their villages and along the Naches Pass to Yakima country. Two years later Leschi said, “I did not intend to make war on the western side of the mountains.” He met up with Chiefs Kitsap and Nelson who were upset by provisions in the Point Elliott Treaty, and Muckleshoots, Nisqually, Puyallup, Duwamish and Klickitat warriors . “It was they who persuaded me into it.”<sup>56</sup>

On October 27, 1855, Eaton’s men continued to meet up with Maloney, but split in two, with McAllister in charge of a reconnaissance crew that crossed the Puyallup River and pushed toward a reported encampment of roughly 500 natives, including women and children, who were fishing on the White River. McAllister asked Eaton if he might approach the group and try to beguile his old friend Leschi into giving himself up and renouncing all thought of violence against the whites. He took along Connell and two Indian guides. As they approached, a Nisqually named Toopapyti fired two shots and Mc Allister was dead, the first fatality in the fighting west of the mountains. Then Connell was shot. The next day, October 28, 1855, warriors out of the control of Leschi, fell upon the cabin of Harvey Jones, his wife and three small children and a hired man. The adults were shot and the children escaped and were helped by a friendly Indian. Five more down the river were killed and an infant taken hostage. Word spread fast of what came to be known as the White River Massacre. A wave of hysteria hit the settlers. Acting Governor Mason ordered the emergency construction of blockhouses and settlers moved into them.

At the same time, in fall of 1855, Indian Agent Michael T. Simmons, his fellow Indian agents and their deputies, began rounding up the 4,000 or so natives on the west side of the mountains who had not gone off to evade forced movement to reservations, to be put in internment camps.<sup>57</sup> Simmons called on “friendlies” to assemble, promised them protection from the volunteer militia who shot Indians first and asked questions later.<sup>58</sup> The Indians interned on Squaxin and Fox Islands suffered and many died. There was no fresh water on Squaxin Island and not enough food. They had to travel by canoe at night to an adjacent island to get fresh water. If they were found off the islands they were shot. Michael T. Simmons continued up Puget Sound interning Indians as far as the Lummi Indian Nation, with a total of seven internment camps: 847 at Bellingham

Bay, 1400 at Holmes Harbor, 1522 on the Olympic Peninsula, 1300 at Penn's Cove, 942 at Ft. Kitsap, 460 at Squaxin Island, 1200 on Fox Island.<sup>59</sup> Fox Island interned 1200 Steilacoom, Shattmahmish, Shamahmish, Puyallup and Nisqually Indians. Squaxin Island held 460 Squaxin, Nisquallies, and Sahawamish. Hostile Indians who were captured went to Fox Island. Fox Island was an internment center for 13 months. From May to September, 80 Indians died, 150 came from the war zone. Many died of consumption (bleeding from the lungs). Isaac Stevens instructed the militia that any Indians not in the internment camps were to be exterminated. Stevens had instructed the volunteer militia: "All Indians found in your field of operations are to be considered as enemies."<sup>60</sup> Indians were shot and hung. Indian families peacefully fishing were massacred.

Meanwhile Maloney's men had to turn back and October 31, 1855 sent Tidd and six others back, including three militiamen well known around Olympia and Antonio Rabbeson, a longtime sidekick and sometimes business associate of Michael T. Simmons, and part of the tight coterie of Isaac Stevens. Knowing nothing of the recent events, they came upon Leschi and others fishing in the White River at Connell's Prairie. After leaving the camp they were ambushed and Miles and Moses were dead. Lieutenant Slaughter and 100 regulars and militia followed the natives – one night Slaughter was shot. He was well known in Steilacoom and Olympia and his death shocked the whole white community including the thirty members of the Legislature. The flow of farmers and other civilians into blockhouses increased. Uneasiness ran through the 5,000 Americans in Washington Territory. At any given time Leschi probably did not have more than 300 men. Isaac Sterret, commander of the U.S.S. Decatur, berthed in Seattle, wrote to Secretary of War Jefferson Davis on December 5, 1855: "The valor and prowess of the Indians has been greatly underrated...The whole military resources of the Territory are totally inadequate to conduct war with success, even to afford protection to the settlers."<sup>61</sup>

Early December, General Wool, Pacific Coast regional commander of U.S. Army forces and critic of Stevens' volunteer militia, had his worst fears about the tactics of the militiamen confirmed when the Walla Walla Chief Peoemoxmox tried to improve race relations in his area – he had been unable to prevent Indian looting and livestock-rustling against settlers still without title to the land as the Treaties had not been ratified. Peo, accompanied by forty warriors, approached the militia camp under a flag of truce. The white commander demanded that Peo turn over his tribe's livestock to pay for the stolen head and their firearms as a preventive measure against further violence against the settlers. Peo objected, saying he had struck treaty terms with Stevens. He and his five bodyguards were arrested and confined. After he failed to appear, the rest of Peo's party began skirmishing with the militiamen. That evening, the chief, objecting to being tied up, was shot to death in a scuffle. Peo's volunteer militia captors then scalped him,

pickled his ears in a jar of alcohol, and brought selected body parts with them to display in a boozy celebration in Portland. The atrocity sent the message to the Indians that however they behaved, they would be abused by the whites once they had the upper hand.<sup>62</sup>

Stevens, in his wrath, wrote in his December 22, 1855 letter to Manypenny: "My plan is to make no treaty whatever with the tribes now in arms; to do away entirely with the reservations guaranteed to them; to make a summary example of all the leading spirits, and to place as a conquered people, under the surveillance of troops, the remains of those tribes on reservations selected by the President, and on such terms as the Government in its justice and mercy now vouchsafe to me."<sup>63</sup> Most of the noncombatant Nisquallies whom Michael T. Simmons had rounded up in the fall were taken to a five-mile long island called Bu-ta-u and known to the whites as Fox Island. The 1,000 or so internees were dependent on white man's food and sickness was rampant. On January 5, 1856 Leschi brought six canoes manned by thirty-three Indians onto the shore in front of the cabin of John Swan, the white warden on Fox Island. Leschi asked Swan to convey a message to the white authorities: his people were not fighters by nature and had taken up arms only because they had been misled at Medicine Creek into accepting a hellish reservation; they wanted no more than enough space to live as they were accustomed;...they would gladly talk peace and reconciliation with any Indian agent but Simmons for whom he harbored a "deadly hatred," as Swan recounted their conversation a few days later to the *Puget Sound Courier*. Mindful of the horrified response by the white community to the White River Massacre, which he always claimed to have counseled against, Leschi insisted to Swan that the braves under his command did not attack innocent or helpless civilians - it was *cultus* (bad) Indians who had committed the atrocity.<sup>64</sup> Swan sent a messenger to Ft. Steilacoom, just six miles away, to Captain Erasmus Keyes who decided to try instead to capture Leschi. He borrowed the *Beaver*, the Hudson Bay's paddle wheel steamer to carry troops. When Swan paddled out to see if the U.S. Army was willing to advance a peace arrangement, Maloney told him he had no such intentions. Swan returned to tell Leschi, who had used the time to enlist as many as two dozen new recruits. With no success in their peace mission, they paddled away. The *Courier* noted, "It is in vain that we look for a parallel case of bravery in the annals of Indian warfare...which proves to us we have sadly underrated the courage and daring of the Indians on the Sound."<sup>65</sup>

Two weeks later Stevens returned to Olympia and within a week of his return addressed a packed session of the Washington Territorial Legislature, whose members he told – to "deafening cheers," according to the account in the *Pioneer and Democrat* – that "the war shall be prosecuted until the last hostile Indian is exterminated." Far from altering the Nisqually and Puyallup reservations, the governor cried fiercely, "Let the blow be struck where it is deserved," and promised that "nothing but death is a mete punishment

for their perfidy – their lives only shall pay the forfeit...The guilty ones shall suffer, and the remainder placed on reservations under the eye of the military.”<sup>66</sup> The governor then issued a new call for six new companies of militiamen to replace those whose terms were expiring – the new recruits would enlist for six months. Major General John Wool, the U.S. Army Pacific Coast commander, strongly disapproved of the civilian militia, considering them little better than vigilantes, generally ill-trained and poorly disciplined, who posed a greater threat to the peace than irritable Indians did and who often took their empowerment as a license to kill, plunder and profiteer.<sup>67</sup> The general expected the war could be brought to a close within a few months “provided the extermination of the Indians, which I do not approve of, is not insisted upon...and the volunteers are withdrawn from the Walla Walla country.”<sup>68</sup> Stevens reacted by going over Wool’s head and writing directly to Secretary of War Jefferson Davis to urge Wool’s dismissal from his high post.<sup>69</sup> A few days after the speech to the legislature, that every last hostile Indian would be done away with, Indians attacked Seattle (only 100 permanent residents and nearly as many friendly natives lived there). Leschi is said to have led the attack but he denied it. A few buildings were torched in one day and then they left, with little damage done. But the psychological impact was great. A few days before, Stevens had visited and reassured Seattle, “I believe the cities of New York and San Francisco would as soon be attacked as Seattle.”<sup>70</sup>

Leschi tried again to have Stevens hear his request. He asked John McLeod to deliver a message to the new commander, Casey, at Ft. Steilacoom. He reiterated the natives’ desire to end the war and insisted that neither he nor his warriors had been at Seattle. He invited John Swan to hear his peoples’ desire to coexist amicably with the whites. Swan met with Leschi and reported in the *Courier*, “Leschi is anxious for peace but wishes that his people will receive no punishment and that a new reservation shall be set aside for their use.”<sup>71</sup> Stevens was not receptive to Leschi’s terms. He dispatched his volunteer units in every direction to inflict all possible pain on any natives at liberty (instead of being in internment camps) and built forts and blockhouses and ferry landings. Stevens ignored Manypenny’s urging to “avoid vindictive and unnecessary bloodshed” and to bear in mind that Indians “who were criminal may be treated with magnanimity after laying down arms.”<sup>72</sup> In Stevens’ March 9, 1856 letter to Manypenny, the Indians were on the rampage, he wrote, threatening “entirely unprotected” settlements, targeting supply trains, inciting hostility among friendlies by “wiles and falsehoods” – all requiring that the white community be saved from “the treacherous and ferocious Indians who have barbarously murdered men, women and children and laid waste nearly two entire counties...and whilst they shall be made to unconditionally surrender and their leaders to be made to suffer death, the Indians generally shall be dealt with in a spirit of humanity and kindness.” ...<sup>73</sup> The Duwamish were attacked by marines who killed half the 120 natives. Leschi headed to Naches Pass.

On April 4, 1856, Wool wrote to his superiors in the capital that if the governor were not so “anxious for a long and expensive war and the barbarous determination...to exterminate the Indians, I would soon put an end to the Indian war.”<sup>74</sup> Stevens now spurred his volunteers to a new level of death dealing by issuing his unit commanders a license that all Indians not in internment camps were legitimate targets: “All Indians found in your field of operations...are to be considered as enemies.”<sup>75</sup> Hamilton Maxon’s<sup>76</sup> Washington Mounted Rifles used the new license to kill with particular viciousness. Entire Indian families in the foothills were annihilated. Americans sought out and hung Indians accused of killing Americans.

An April, 1856 massacre of unarmed Indians by volunteer militia led by Captain Maxon at the Mashel River left 17-35 Indians dead. Nisquallies who had refused to leave their lands were on the run, trying to survive, trying to avoid the fighting, and had been in hiding for a year. The Mashel Massacre is documented because a militiaman, Private A.J. Kane, kept a diary and published his journals as did a civilian witness, Robert Thompson. Fifty-five mounted militia under Maxon came upon peaceful Indians, old men, women and children, fishing, hid in the trees, then in a complete surprise attack, from twenty feet away, Maxon yelled “Close in,” and the militia shot into the family, shooting fleeing women carrying children, in the back. Soldiers shot at everything that moved, starting with the slow and decrepit, and chased the fleetier ones into the river which soon ran red with their blood. Some infants had their skulls dashed on the rocks, according to the oral tribal rendition of the massacre. Thompson noted there were almost no able-bodied men among Maxon’s prey and that 15-17 Indians were killed. Maxon got promoted to major for his accomplishment and he and his volunteers continued their mounted manhunt, Stevens’ genocidal instruments in the field.<sup>77</sup> In early March Maxon had suggested taking Muck Creek white families who were not supportive of the war and had remained neutral into custody and Stevens had done it, with no due process of law. Stevens pointed out that while others were in blockhouses, some white farmers remained and “whoever can remain on his claim unmolested is an ally of the enemy and must be dealt with.”<sup>78</sup> A dozen Muck Creek white farmers were taken into custody and held indefinitely. Five of the them, including John McLeod, escaped after several weeks and returned to their farms only to be recaptured, labeled prisoners of war, and told they would be tried for treason – a capital crime – not by a civil court but by a five-man military tribunal chosen by Stevens. The Muck Creek Five hired a lawyer who got a judge to order the freeing of the prisoners. To keep them from being freed, the next day, April 14, 1856, Stevens decreed martial law in Pierce County, suspending all functions of civil government, including courts and called the prisoners “evil-disposed persons.”<sup>79</sup> Judge Lander, chief justice of Washington’s Supreme Court, held firm that he would hold court and rule on the Muck Creek Five’s request. The judge wrote that Stevens’ decree “shows no necessity whatever for taking the law into his own hands.”<sup>80</sup> Stevens sent Frank Shaw to stop the court so martial law could not be challenged.

Another judge asked Stevens to withdraw martial law. Stevens would not. Judge Lander ordered every able-bodied male over sixteen in the county to attend court as posse comitatus to protect civil law. Shaw ordered twenty armed men to empty the court if gavelled into session. Thirty citizens, many of them lawyers, defended the court and civil rule over martial law, among them George Gibbs. Shaw said he would arrest the judge and take him to the fort. Judge Lander submitted at gunpoint to Shaw and the militia. Steilacoom, in shock over the thuggish tactic that shut down the court, held a torchlight parade and street rally. Gibbs drew up a resolution of outrage sent to territorial newspapers and a petition to President Pierce, attacking the governor for "flagrant usurpation of power" and conduct of a despot.<sup>81</sup> Stevens drew up an anonymous rebuttal that was published in the local press. No Indian warriors had been seen for two months prior to Stevens' imposition of martial law. Gibbs and other former close associates of the governor wrote to Secretary of State William Marcy that Stevens was "a diminutive Napoleon" who was "actuated by arrogant and unbridled love of power" and that he was a drunkard.<sup>82</sup> The judge got out after a few days in custody and was to open court in Thurston County. On May 14, 1856, Stevens declared martial law there as well. The judge issued a bench warrant to Stevens. The U.S. territorial Marshall assigned to serve the summons on the governor found the door to Stevens' office barred by as many as a dozen of his bulkiest loyalists among the militiamen, including Adjutant General James Tilton and Tony Rabbeson. When the Marshall forced the issue, a fistfight broke out, with Stevens himself reportedly part of the scuffle, and the summons went unserved. The militiamen then marched to the house that served as Lander's court and, finding that the judge had barricaded himself in his clerk's room, broke down the door and for the second time in eight days hauled away the chief justice of the territory. The chief justice's defiance landed him in the territorial jail at Camp Montgomery, the militia headquarters, in a cell alongside the Muck Creek Five.<sup>83</sup> The following week, Judge Chenowith, his health restored, returned to his courtroom in Steilacoom and denounced Stevens for his continuing usurpation of executive power. Chenowith issued a fresh habeas corpus writ ordering Shaw to produce the prisoners in his courtroom. Stevens then ordered Maxon to send thirty volunteers and arrest the judge if he reopened court on May 24, 1856. Chenowith called on the law-abiding citizenry to protect his courtroom, asking the Pierce County Sheriff to round up enough power to form a defense posse. The judge further enlisted the help of Colonel Casey of Fort Steilacoom. Between fifty and sixty armed citizens had mustered in front of the courthouse when a force of thirty volunteer militia approached. Colonel Casey told the militia that if his men used force to drive off the civilian guardsmen and arrest the judge, a force of army regulars would stop them. The militia leader backed down. The military tribunal the governor had appointed to try the Muck Creek Five declined to hear the case on the ground it was a civil matter over which the militia did not have jurisdiction. The prisoners were brought to the county courthouse and the charges were dropped.

On May 28, 1856 Stevens ended his protracted tantrum by rescinding the martial law decree.<sup>84</sup>

Letters protesting Stevens' conduct began to appear in *The New York Times* and other leading papers. In July, 1856, Judge Lander issued a warrant for Stevens' arrest on a contempt-of-court charge for having refused to accept the summons and explain why he had ignored Judge Chenoweth's original habeas corpus writ. Stevens momentarily submitted and appeared before Lander, but when the judge found him guilty and fined him a token fifty dollars to establish the principle that no official, not even a governor, could flout the law with impunity, Stevens invoked the powers of his office to pardon himself temporarily until President Pierce had an opportunity to review the entire matter. His friends stepped in and paid the fine for him. A September 12, 1856 letter to Stevens from Secretary of State Marcy advised him of President Pierce's opinion of the governor's martial law misadventure. The President "has not been able to find in the case you have presented a justification for that extreme measure," Marcy reported, and added the President's distinct disapproval of his conduct.<sup>85</sup> The Territorial Legislature voted to reprimand Stevens for the martial law and the U.S. Senate registered "strongest condemnation" of his conduct.

In mid-June, 1856, Stevens ordered Shaw to lead 200 volunteers to kill Indians in the east. Stevens asked Wright to render up murderers and instigators of war for punishment – "Leschi, Nelson, Kitsap and Quiemuth and to suggest no arrangement be made which shall save their necks from the Executioner."<sup>86</sup> He promised fifty blankets to the man who would lead a party of soldiers to Leschi's camp. Pursuit of Leschi was now becoming Stevens' consuming obsession.<sup>87</sup> The U.S. Army offices said persecution of the Indians' chief after the fighting had ended would only serve to stir his people to a new round of violence. Shaw, with 500 militiamen, went to look for the Yakimas and Klickitats and found none. On July 17, 1856, in the Valley of the Grand Ronde River they found 500 Cayuse and other Indians, mostly women and children gathering edible roots. The Cayuse said there were no warriors in the camp. Shaw charged, and sixty Indians were killed. They burned 120 of the natives' lodges and destroyed their food stores. They stole some of their 200 horses and slew the rest. Shaw lost four men, four others were wounded.<sup>88</sup> James Tilton, commanding general of the volunteer militiamen wrote to Shaw, "We were all delighted with the report of your brilliant success."<sup>89</sup> Stevens pointedly told Colonel Wright and his regulars that Shaw's men had delivered a "severe blow" to the natives, then crowed to Jefferson Davis, "The Walla Walla campaign has been completely successful."<sup>90</sup>

Satisfied that Shaw's actions at Grande Ronde was the coup de grace that would end further resistance to his treaties, Stevens began to disband the militia corps and fulfill his promise to adjust the harsh reservations assigned to Medicine Creek tribes. Tribal leaders of about 500 Nisquallies, Puyallups and other tribes were still in the Fox Island



internment camp. It was overcrowded and debilitating. One hundred had died of tuberculosis and other diseases. The War Department told Stevens to give larger reservations to the Indians and end the war.<sup>91</sup> Stevens went to Fox Island to end the war and grant the reservations. The surrendered hostiles were 300 men, women and children. The whole number of Nisquallies and Puyallups was 750. By 1856-1857 internees had been sent to new homes. Over a hundred people had died on Fox Island. Puyallups were only 200 and were dying off rapidly. In June, 1857 only five Indian houses remained on Nisqually. English names were given to the Indians. First names from the list of Americans killed in Indian wars were given to Indian families as their last names. Old village sites off the new reservations became parts of homesteads, fenced or destroyed to make room to build homes. Sidney Ford was Fox Island Warden and Territorial Indian Agent for the Sound. Stevens told the Indians it was all their fault. He said, "Reservations were suggested by yourselves. I surveyed and found them not good and sent word to Leschi and all Indians that the reservations should be changed."<sup>92</sup> He now agreed to reassign the Nisquallies and Puyallups to a "large reservation" for each of them along their ancestral rivers and a new one for the Muckleshoots in the White and Green River uplands.

The Nisqually's new reservation was 7.5 square miles of fertile bottomland and adjacent prairie for about four miles from where Muck Creek joined in to a point close to the estuary. The Puyallups were given a more generous 36 square miles.<sup>93</sup> In a letter to Manypenny three weeks after the Fox Island concessions, Stevens said the Nisquallies would not be allowed to occupy their new reservation until their fugitive chief surrendered or was handed over. He said the Indians should be established on a reservation suitable to their wants and where they could be contented "with the exception of certain leaders and murderers." General Wool was urging the War Department to get Stevens sacked for his vengeful and provocative attitude toward Indians.<sup>94</sup>

In early June, 1856, Leschi had met with Wright to seek help to go home, but Wright said no, it was better to wait. A few weeks later Wright received a letter from Stevens demanding "no arrangements be made which shall save their necks from the Executioner," said to grab Leschi even if he came under a flag of truce and told Casey the native warriors no longer active but still at large "are notorious murderers...treachery and bloodthirstiness almost beyond example."<sup>95</sup> Leschi slipped into Ft. Nisqually to visit Tolmie who told him he should place himself under Casey's care, but Casey advised him to stay in the woods longer – Stevens thirsted for an Indian scapegoat for the war. Stevens told Casey Leschi was endeavoring to raise a force to prosecute the war anew. Stevens doubted "any country or age has afforded an example of the kindness and justice which has been shown towards the Indians by the suffering inhabitants of the Sound." Stevens wrote the Indian operations "have been from the

beginning...those of murderers and outlaws – no tribe as such having broken into hostility – and they are therefore entitled to none of the rights of war.”<sup>96</sup> Casey said, “There are whites at large who have wantonly murdered innocent Indians...” Wool backed Casey and said, “His removal from office of governor alone can prevent it (a return to war).”<sup>97</sup> Wool expressed regret over Stevens’ vindictive spirit. He said, “Do not fail to give protection... to Leschi and all Indians peaceably inclined to the whites...if Stevens’ militia return to the fray arrest them.”<sup>98</sup>

Stevens placed a reward of \$500, or fifty blankets for an Indian, for whoever would bring in Leschi. On November 3, 1856, Stevens summoned a grand jury to consider a charge against Leschi for the ambush murder one year earlier of Abram Moses. Rabbeson was seated on the grand jury and then testified, weighing his own evidence. No one had said they had seen Leschi kill Moses, but now Rabbeson changed his story and said he saw Leschi. Killing an enemy combatant had never been considered murder; that was personal, war was societal. The military considered him a prisoner of war; Stevens considered him a criminal and determined to hang him. On November 13, 1856, Sluggia, Leschi’s sister’s boy, went to Leschi’s hidden camp in Nisqually, pounced on him, bound and took him to Sidney Ford (Indian agent) at Ft. Steilacoom. The next day Leschi was taken to Stevens’ home. Stevens asked Chenowith to hold court immediately, November 17, 1856, but the court ended in a hung jury. Quiemuth, Leschi’s brother, asked Longmire to take him to Stevens’ home the same day as the trial, arriving at 2 a.m. Early in the morning, November 18, 1856, Quiemuth was stabbed and shot while sleeping in Stevens’ office. In a November 21 letter to Manypenny, Stevens wrote: “Since Casey would not hunt down the brothers I have resorted to other methods, which have resulted in their apprehension.”<sup>99</sup>

Leschi was retried in March of 1857. For Stevens’ excessive zeal in the treaty making campaign, resulting in open warfare, and the martial law outrage, Congress stripped Stevens of his appointment of Commissioner of Indian Affairs and assigned it to the Indian commissioner for Oregon Territory. In 1857 Stevens campaigned for Washington Territory’s lone delegate to Congress. He won and left for Washington, DC. Fayette McMullin replaced him as Governor.<sup>100</sup> Wahelut, “Yelm Jim,” tracked down Sluggia and killed him. The whites let it go. On December 25, 1857, more than 1,000 natives who had gathered on Squaxin Island to receive their annuities, placed their marks on a petition to the government to spare Leschi. McMullin denied clemency.<sup>101</sup> The military at Ft. Steilacoom refused to hang Leschi so the Washington state authorities built a scaffold a mile east of the fort and hung him February 19, 1858.

In 2004 the Washington State Legislature passed a Resolution proclaiming Chief Leschi was a great leader who protected his people. The Supreme Court gave a ruling: “If Leschi did kill Moses, they were lawful combatants in time of war, so the murder charge was not justified.”<sup>102</sup>

## Footnotes

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<sup>1</sup> [http://coastsalishmap.org/Village\\_Descriptions\\_Nisqually-Olympia.htm](http://coastsalishmap.org/Village_Descriptions_Nisqually-Olympia.htm)

<sup>2</sup> Ruth A. Masten, Editor, Investigations in the Tumwater Historic District: Archaeological Excavation of the Tumwater Site (45TN119), Thurston County, Washington. Report Number 100-59 (Cheney, WA, Eastern Washington University Reports in Archaeology and History, Archaeological and Historical Services, 1987) 31 and Marian Smith, The Puyallup-Nisqually (New York: Columbia University Press, 1940) 243-45 and Washington State Department of Archaeology and Historic Preservation, National Register of Historic Places – Nomination Form, Tumwater Historic District, <https://fortress.wa.gov/dahp/wisaard/documents/RN/0/3/3724.pdf>.

<sup>3</sup> “Map of Washington Territory Showing the Indian Nations and Tribes,” 1854 (Washington State Historical Society, 1990.60.1).

<sup>4</sup> Del McBride, “A Native American Presence in the Tumwater Falls Area,” The River Remembers – A History of Tumwater by Gayle L. Palmer (Tumwater: The Donning Company Publishers, 1995) 23.

<sup>5</sup> T.T. Waterman, Edited with additional material from Vi Hilbert, Jay Miller and Zalmi Zahir, Puget Sound Geography – Original Manuscripts (Lushootseed Press, July 24, 2001) 305-307 and Del McBride. “A Native American Presence in the Tumwater Falls Area” The River Remembers – A History of Tumwater by Gayle L. Palmer (Tumwater: The Donning Company Publishers, 1995) 24.

<sup>6</sup> “It’s 1841...Meet the Neighbors,” Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 9 and Del McBride, “A Native American Presence in the Tumwater Falls Area,” The River Remembers – A History of Tumwater by Gayle L. Palmer (Tumwater: The Donning Company Publishers, 1995) 23 and Don Trosper, New Market (Tumwater: Tumwater Historical Association, 1987) 9-10 and J.C. Rathbun, History of Thurston County Washington (Olympia, Washington, 1895) 14 and Carolyn Cock Dunlap, “Ancotty” (manuscript at the Oregon Historical Society) 121. Sno-ho-dum-set was also chief of Nu-she-tsatl village at the South Bay on Henderson Inlet, “It’s 1841...Meet the Neighbors,” Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 9 and the small village at the south end of Henderson Inlet called Nuschatl; Indians from there were sent to Squaxin during the Indian War (Andrew Poultridge, Boomtime: A History of the Natural Resources Area and Woodward Bay (Washington State Department of Natural Resources: Division of Land and Water Conservation, 1991).

<sup>7</sup> [http://www.fws.gov/pacific/ea/tribal/treaties/Nisqualli\\_Puyallup.pdf](http://www.fws.gov/pacific/ea/tribal/treaties/Nisqualli_Puyallup.pdf)

<sup>8</sup> Research – 1856, Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 1 and Cheetwoot – 1841, Display, Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 7.

<sup>9</sup> Washington Office of Archaeology and Historic Preservation files. Research – 1841, Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia).

<sup>10</sup> Gordon Newell, Rogues, Buffoons and Statesmen (Seattle: Hangman Press, 1975) 21.

<sup>11</sup> Heather Lockman and Shanna Stevenson, Building a Capital City (City of Olympia Heritage Commission) 1.

<sup>12</sup> Gordon Newell, Rogues, Buffoons and Statesmen (Seattle: Hangman Press, 1975) 11 and James Robert Tanis, “The Journal of Levi Lathrop Smith – 1847-1848,” (PNW Quarterly, Oct. 1952) 279.

<sup>13</sup> Public Works Department of Olympia, Washington, “Budd Inlet Historical Shoreline Trail Brochure” (Olympia: City of Olympia Public Works Department, 1996).

<sup>14</sup> Shanna Stevenson and Chuck Fowler, Port of Olympia (Olympia, Wash. : Port of Olympia, 1997) 3.

<sup>15</sup> T.T. Waterman, Edited with additional material from Vi Hilbert, Jay Miller and Zalmi Zahir, Puget Sound Geography – Original Manuscript from T.T. Waterman (Lushootseed Press, July 24, 2001) 8 and 14.

<sup>16</sup> Reproduced by the Friends of the Washington State Historical Society, 1982.

<sup>17</sup> Ruth A. Masten, Editor, Investigations in the Tumwater Historic District: Archaeological Excavation of the Tumwater Site (45TN119), Thurston County, Washington, Report Number 100-59 (Cheney, WA: Eastern Washington University Reports in Archaeology and History, Archaeological and Historical Services, 1987) 29.

<sup>18</sup> Marian Smith, The Puyallup-Nisqually (New York: Columbia University Press, 1940) 8.

<sup>19</sup> “Map of Washington Territory Showing the Indian Nations and Tribes -1854” (Washington State Historical Society, 1990.60.1).

<sup>20</sup> <http://olympiawa.gov/community/about-olympia/history-of-olympia-washington.aspx>

<sup>21</sup> [http://coastsalishmap.org/Village\\_Descriptions\\_Nisqually-Olympia.htm#15](http://coastsalishmap.org/Village_Descriptions_Nisqually-Olympia.htm#15)

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- <sup>22</sup> <http://olympiawa.gov/community/about-olympia/history-of-olympia-washington.aspx>
- <sup>23</sup> Charles Wilkinson, Messages from Frank's Landing (Seattle: University of Nebraska Press, 2000) 17.
- <sup>24</sup> <http://www.accessgenealogy.com/native/sahehwamish-indians.htm> .
- <sup>25</sup> Paul Thomas, "Thesis on George Bush" p. 22 and Gordon Newell, Rogues, Buffoons and Statesmen (Seattle: Hangman Press, 1975) 10 and Mrs. David Hartman Manuscript (McAllisters, 1893)1.
- <sup>26</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 64-65.
- <sup>27</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 64-65.
- <sup>28</sup> Cecelia Carpenter, The Nisqually, My People (Seattle: Tahoma Research Service, 2002) 31.
- <sup>29</sup> Marie Freeman, Washington Territory Donation Land Claims - a project of the Seattle Genealogical Society (Seattle, Wash.: The Society, 1980) 3.
- <sup>30</sup> Heather Lockman and Carla Wulfsberg, Images of America: Tumwater (Tumwater: City of Tumwater's Henderson House Museum, 2010) 11. At the time of concentration in internment camps and on reservations, surviving Steh-chass fled west to the Squaxin or north to the Nisqually tribes. Village 27 on Henderson Inlet as well as 28 (Steh-chass) and 30-32 moved to Nisqually at the time of concentration.12 The Steh-chass were known to have moved onto the Nisqually reservation after they participated in the Medicine Creek Treaty of 1854.
- <sup>31</sup> Del McBride, "A Native American Presence in the Tumwater Falls Area," The River Remembers – A History of Tumwater by Gayle L. Palmer (Tumwater: The Donning Company Publishers, 1995) 24.
- <sup>32</sup> Marie Freeman, Washington Territory Donation Land Claims- a project of the Seattle Genealogical Society (Seattle, Wash.: The Society, 1980)16.
- <sup>33</sup> [http://en.wikipedia.org/wiki/History\\_of\\_Olympia,\\_Washington](http://en.wikipedia.org/wiki/History_of_Olympia,_Washington) and "The Journal of Levi Lathrop Smith" (PNW Quarterly, October,1952) 279 and The Indian War – Display – 1856, Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 3.
- <sup>34</sup> "Twelve Who Counted," The Olympian, 12-4-88 and The Indian War – Display – 1856, Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 3.
- <sup>35</sup> The Indian War – Display – 1856, Kit Sylvester 2005, Olympia Display (Timberland Regional Library, Olympia) 1,2,4.
- <sup>36</sup> Cecelia Carpenter, They Walked Before: the Indians of Washington State (Tacoma, Wash.: Tahoma Research Publication,1989) 32.
- <sup>37</sup> Georgiana Mitchell Blankenship, Early History of Thurston County, Washington: Together with Biographies and Reminiscences of Those (Seattle, Washington: Shorey Book Store, 1972) 112.
- <sup>38</sup> Cecelia Carpenter, The Nisqually, My People (Seattle: Tahoma Research Service, 2002) 99.
- <sup>39</sup> <http://m.olympiawa.gov/city-services/parks/parks-and-trails/priest-point-park.aspx>
- <sup>40</sup>
- [http://www.olympiahistory.org/index.php?option=com\\_content&view=article&id=11:historypriestpointpark&catid=7:generaltopicsolympiahistory&Itemid=2](http://www.olympiahistory.org/index.php?option=com_content&view=article&id=11:historypriestpointpark&catid=7:generaltopicsolympiahistory&Itemid=2)
- <sup>41</sup> George Gibbs, Tribes of Western Washington and Northwest Oregon (Shorey's Bookstore, 1986) 178.
- <sup>42</sup> Signs on the wall at the Nisqually Tribe library.
- <sup>43</sup> George Gibbs, Indian Tribes of Washington Territory (Fairfield, Washington: Ye Galleon Press, 1978) 33-35.
- <sup>44</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 49.
- <sup>45</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 67.
- <sup>46</sup> Stevens' most loyal enforcer and free-wheeling special agent in the Indian service and primary interpreter at treaty councils and Michael T. Simmons' junior business associate in the grist mill at Steh-chass – and who harbored disrespect for the Indians: "personally, I have always believed there was a great deal of humbug about making any treaties with the Indians...The question was, shall a great country with many resources be turned over to a few Indians to roam over and make a precarious living on, making no use of the soil for timber or other resources, or should it be turned over to the civilized man who could develop it in every direction and make it the

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abiding place of millions of white people instead of a few hundred Indians.” Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 74-75.

<sup>47</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 73.

<sup>48</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 105.

<sup>49</sup> Charles Wilkinson, Messages from Frank’s Landing (Seattle: University of Nebraska Press, 2000) 17.

<sup>50</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 99.

<sup>51</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 101.

<sup>52</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 93.

<sup>53</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 106.

<sup>54</sup> Cecelia Carpenter, They Walked Before – The Indians of Washington State (Seattle: Tahoma Publications, 1989) 31.

<sup>55</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 127.

<sup>56</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 130.

<sup>57</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 130-136.

<sup>58</sup> Cecelia Carpenter, Tears of Internment (Seattle: Tahoma Research Service, 1996) 39.

<sup>59</sup> Cecelia Carpenter, They Walked Before – The Indians of Washington State (Seattle: Tahoma Publications, 1989) 32.

<sup>60</sup> Cecelia Carpenter, Leschi – Last Chief of the Nisquallies (Seattle: Tahoma Research Service, 2004) 32.

<sup>61</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 143.

<sup>62</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 144-145.

<sup>63</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 145.

<sup>64</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 148-49.

<sup>65</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 149-150.

<sup>66</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 150-151.

<sup>67</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 151.

<sup>68</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 152.

<sup>69</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 152.

<sup>70</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 153.

<sup>71</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 157.

<sup>72</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 159.

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<sup>73</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 160.

<sup>74</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 164.

<sup>75</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 165.

<sup>76</sup> Maxon volunteered after the Whitman massacre, fighting in the Cayuse War until 1849, enlisted, became a Captain, served under Frank Shaw. In the Yakima wars, Maxon and Shaw slaughtered 50 Indians. Maxon served on the committee formed to prosecute Leschi. Abbi Wonacott, Where the Mashel Meets the Nisqually – the Mashel Massacre of 1855 (Spanaway, WA: Bellus Uccello Publishing, 2008) 26-28.

<sup>77</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 165-67 and Abbi Wonacott, Where the Mashel Meets the Nisqually – the Mashel Massacre of 1855 (Spanaway, WA: Bellus Uccello Publishing, 2008) 12. A teacher, Abbi Wonacott, and her students who heard there had been a massacre near the Mashel River researched it for a class project and wrote the entire history of the incident in Where the Mashel Meets the Nisqually.

<sup>78</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 168.

<sup>79</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 168.

<sup>80</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 169.

<sup>81</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 170.

<sup>82</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 172.

<sup>83</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 173.

<sup>84</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 174.

<sup>85</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 175.

<sup>86</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 176-177.

<sup>87</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 177.

<sup>88</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 179.

<sup>89</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 179.

<sup>90</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 180.

<sup>91</sup> Cecelia Carpenter, Tears of Internment (Seattle: Tahoma Research Service, 1996) 52.

<sup>92</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 180.

<sup>93</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 182.

<sup>94</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 182.

<sup>95</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 188-89.

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<sup>96</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 191.

<sup>97</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 192.

<sup>98</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 193.

<sup>99</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 212.

<sup>100</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 228.

<sup>101</sup> Richard Kluger, The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America (New York: Random House, 2011) 237.

<sup>102</sup> Abbi Wonacott, Where the Mashel Meets the Nisqually – the Mashel Massacre of 1855 (Spanaway, WA: Bellus Uccello Publishing, 2008) 22.

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Pat Rasmussen  
PO Box 13273  
Olympia, WA 98508  
E-mail: patr@crcwnet.com  
Phone: 509-669-1549  
October 29, 2015

To: City of Tumwater  
RE: Comments – Brewery DEIS

### **Tribal History**

On page 89, you write “The area is located within the traditional tribal territories of the Squaxin Island Tribe and Nisqually Indian Tribe. Washington State laws address archaeological sites and Native American burials. **The Archaeological Sites and Resources Act [RCW 27.53] prohibits disturbance of known prehistoric and historic archaeological sites on public or private lands.** The Indian Graves and Records Act [RCW 27.44] prohibits the disturbance of American Indian graves and provides that inadvertent disturbance through construction or other activity requires re-internment under supervision of the appropriate Indian tribe. The Washington State Department of Archaeology and Historic Preservation predictive model also records the area of the proposed Planned Action as a **high risk area for encountering cultural resources**, although no diagnostic artifacts were identified during the 2015 survey.”

7-1

In my scoping comments I submitted a report “What happened to the Steh-chass People?” which is a history of the Steh-chass People who lived directly at that site for thousands of years. Yet, the DEIS does not include that report or the Steh-chass People in the history of the site. You write about the history of the brewery, etc. You must include at least three pages of the history of the Steh-chass People living there in the FEIS. They lived in the whole bowl-shaped site, not just on the opposite side of the river where Tumwater Historical Park is. In fact, one of Don Trosper’s books shows a drawing of them living on that side. Decision makers and the public don’t know that if you don’t include it. It is a culturally significant site. It was a permanent village with rock-lined pit ovens, cedar plank homes, inhabited for thousands of years. Five Tribes gathered there for ceremony, it is a sacred site. The name of the Steh-chass leader when white settlers arrived was Sno-ho-dum-set and he is the second signer on the Medicine Creek Treaty of 1855, signing for the Steh-chass People, who were a sub-tribe of the Nisqually. They lived right where this project is proposed. There is a large shell midden in Tumwater Historical Park and when Tumwater did shovel tests there for their proposed new path, they found artifacts. One of Don Trosper’s books also quotes the journal of a man who was one of the original settlers who recounts how he was cutting down a tree and a baby’s body fell down from its tree burial site. Omitting the Steh-chass history is a serious omission. I will attach the report again here, but it was with my scoping comments of what needed to be included in the DEIS. This history is part of why “The Washington State Department of Archaeology and Historic Preservation predictive model also records the area of the proposed Planned Action as

7-2

a **high risk area for encountering cultural resources.**” This history is background for that. You may find bones from a long time ago.

In the FEIS, as a limitation to development or extensive development, you must include the sensitivity of the site as the permanent village of the Steh-chass People.

7-2

On page 108, you do not list as a resource my report “What happened to the Steh-chass People?” although I included it in the scoping comments. It must be included in the FEIS.

### **Artesian wells/springs**

There are numerous artesian wells/springs on the property. Please include a map of the artesian springs in the FEIS. On page 56 you write: “The area around the historic brewhouse has many artesian springs, some of which were developed and used as a water source for the brewing operations. The eastern of the two Wetland A side - slope springs may be from a partially developed or abandoned artesian spring. There are old pipes and apparent pump remnants on the ground in the vicinity, and other standpipes nearby, downslope. Flow from that spring during the February 2014 field delineation was significant, enough to create channelized flow downslope around a fill pad.”

7-3

The artesian springs are obviously a historic part of the “It’s the Water” beer that was made. They should be included in the original description of the history of the brewhouse area and conserved and appreciated by visitors as part of the museum and park, not covered with a parking garage. Parking can be above in the Schmidt House parking area, with an elevator to carry visitors down to the site. The artesian springs must be listed in the FEIS as a limitation to development in Alternatives 2 and 3.

You also write: “Wetland A scored 16 out of 27 possible total points with a Habitat score of 5 points (out of 9 possible) on the Washington Department of Ecology (DOE) updated Wetland Rating Protocol in effect as of January 1, 2015. It is a Category III system under the 2014 rating protocol, and based on draft buffering standards described in that document (Draft Table 8C - Width of buffers needed to protect Category III wetlands in Western Washington) is assigned a buffer of 150 feet. **Under the 2004 wetland rating system and buffering rules, Wetland A would be a Category III system with an 80 foot wide buffer.**”

7-4

Keeping the artesian springs as part of the historic museum would also retain Wetland A which could also enhance the park quality of the site. This must also be listed in the FEIS as a limitation to Alternatives 2 and 3.

7-5

Again, the parking garage can be above at the Schmidt House parking area.

7-6

Please include the option of the parking garage above in the Schmidt House parking area in the FEIS.

On page 58, you write: “No significant unavoidable adverse impacts to wetlands would be anticipated under any of the Alternatives provided the mitigation measures are followed.” That simply is not true. Destruction of the historic artesian springs and a Category III wetland so you can build a parking garage is a significant impact. Writing that it is so doesn’t make it so. Especially since there is another option: to build the parking garage above by the Schmidt House and use an elevator to bring people down.

7-5

### **Steep slope below access road entering site**

On pages 47 and 48, you write: “The grade of the access road extending from Custer Way down to the brewery complex area slopes down to the north between 10 and 15 percent. The slope to the east and west of the access road is inclined at approximately 50 to 70 percent, sloping from the south parcels down to the west” and “Vegetation on the slopes east and west of the access road consists of deciduous trees and shrubs.”

7-7

You don’t mention that it is a very steep slope directly above a drop-off to the Deschutes River and disturbing that slope would certainly put debris into the river. By omission of the full truth, decision makers and the public don’t see the danger there. Disturbance of the trees on that slope can cause a slide into a fish-bearing river. Seeing that drop-off slope down into the river from the road is very disturbing. You must include photos in the FEIS to show the reality of that danger to salmon.

### **Wildlife**

On pages 59-60, you list wildlife present as few. In fact, there are 58 Neotropical migratory birds that nest there. Tumwater Historical Park with 99 bird species <http://ebird.org/ebird/hotspot/L1012395> that nest or are found there and Tumwater Falls Park with 47 bird species <http://ebird.org/ebird/hotspot/L2713626> that nest or are found are Cornell University E-bird Hotspots. There are Canada geese and a variety of ducks there on a daily basis. There is an eagle nest nearby because we see eagles there.

7-8

They must be listed in the FEIS.

It is well-known that there are beavers there, and I’ve seen river otters numerous times, turtles, red fox and coyote. They must be listed in the FEIS

Again, I included this information in my scoping comments and it is irritating that you omit these things in the DEIS. What is the purpose of scoping comments if you ignore them?

### **Flood plain**

I also do not see the information that the 100 year flood plain goes up to the edge of the current building. I was shown that on a tour. A flood plain map must be included in the FEIS.

7-9

## Omission

On page 111, under “Agency and Interested Parties” you do not include Deschutes Estuary Restoration Team (DERT). It’s a non-profit that provided scoping comments like Black Hills Audubon did – they are included, DERT is not. You include Sue Patnude, but her scoping comments were for DERT, not herself.

7-10

## Alternatives

Although restoring the brewery as a craft brewery, with museums that include the Squaxin and Nisqually Tribes, etc. might be appropriate, as the Old Brewhouse Foundation has mentioned, Alternative 2 goes way beyond that with a parking garage and improvement of the access road that is extreme. At the time the Old Brewery was built in 1906, Model T cars were popular. Today, the creation of any access to a proposed parking garage by the Old Brewhouse would require that the narrow road, currently about 15 feet wide, be widened to 32 to 36 feet. In a conceptual cross-section of the proposed road leading down to the old brewhouse, a sidewalk is also shown as being a minimum of six foot wide, but the preferred width is eight feet wide, with four foot planters on the other side, said city staff. This would require a lot of trees to be cut down and threaten the river below. Walk out there and look at it – I did. Access road development would remove Wetland A and the Deschutes River riparian zone. That cannot be mitigated. The river is not moving somewhere else and wetland loss is not mitigable – saying you will create a wetland elsewhere is just not ethical or advisable.

7-9

Instead, parking can be above in the Schmidt House area with an elevator down to the site for visitors. This would remove the need to improve the access road.

The “No action” alternative is better than overdoing it and ruining the site.

Alternative 3 is excessive – a Disneyland approach – that would alter too much of the landscape and lose any historical charm left at the site. It would threaten the site with all of the above issues. It is inappropriate and in fact ugly. It belongs elsewhere.

Sincerely,

Pat Rasmussen







**From:** [Rob](#)  
**To:** [Chris Carlson](#)  
**Subject:** Brewery Draft EIS  
**Date:** Friday, October 30, 2015 11:33:23 AM

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Mr. Carlson

Please add my email to the EIS circulation list.

My preferred option for the Old Brewery site is Option 2. The site is environmentally and historically sensitive and Option 2 is a good compromise.

Rob Kirkwood

8-1

South Puget Environmental Education Clearinghouse (SPEECH)  
P.O. Box 1989  
Olympia, WA 98507

Chris Carlson, Permit Manager  
City of Tumwater  
555 Israel Road SW  
Tumwater, WA 98501

October 30, 2015

Dear Mr. Carlson:

The board of directors of the South Puget Environmental Education Clearinghouse (SPEECH) decided that we would write a public comment letter on the Draft Environmental Impact Statement for the case known as the Tumwater Brewery Planned Action, regarding the redevelopment of what has become known as the Old Brewhouse property.

The South Puget Environmental Education Clearinghouse (SPEECH) is a 25 year-old, non-profit that provides support and resources to those who seek to preserve, protect and restore the environment.

This letter follows our comment letter on the scoping of the EIS dated October 18, 2014. Unfortunately, you have not incorporated many of the issues that we raised then so we are now repeating much of what we said before and request that you incorporate these concerns into the final EIS.

In the list of Agency and Interested Parties on page 111 of the DEIS, SPEECH as an organization is not listed. Since we did comment and have a definite interest in this project's future, we request that you add the South Puget Environmental Education Clearinghouse (SPEECH) to this list of agency and interested parties.

9-1

We are very concerned about development activities on the land in question. It is situated on a very valuable and environmentally sensitive area on the shores of the Deschutes River at the head of what is now Capitol Lake, but was formally an estuary. In order to adequately assess the environmental impacts of this project a number of considerations must be made.

As stated in the DEIS document, "The purpose of the environmental review is to provide decision makers and citizens with information about the potential environmental consequences of the Tumwater Brewery proposed Planned Action." This is a good intention.

However, in the DEIS, the following phrase is included for every action for each of the three alternatives: “No significant unavoidable adverse impacts to ....would be anticipated with implementation of any of the conceptual Alternatives.”

SPEECH questions this sweeping dismissal for starters. Every development action has an impact on the natural environment and its resources. Whatever impacts are going to happen are because of the actions that are taken. So clearly they are *avoidable*. As we will make clear in this letter, they are also going to be adverse.

Here are our suggestions for issues to include in the final EIS:

- 1) Estuary: Although the water bodies adjoining the Old Brewhouse are currently the Deschutes River and part of Capitol Lake, it is historically an estuary where the Deschutes River entered Budd Inlet. The issue of whether or not to remove the 5<sup>th</sup> Ave. dam to allow Capitol Lake to return to being an estuary has not been resolved. Scientific opinion supports this change. When the estuary is recovered, then this has to be a consideration when assessing the environmental impacts of the redevelopment of this area. Estuaries are critical habitat for species reproduction and survival. 9-2
  
- 2) Groundwater: It is readily apparent to anyone visiting the Old Brewhouse that there is an amazing abundance of groundwater pouring forth from the hillside behind the building. When the Old Brewhouse was built in 1905 it was surrounded by a moat that provided a means of containing and diverting this groundwater into a large cistern beneath the building. The water-saturated slope behind the Old Brewhouse does not seem to provide a good footprint for a large (625-1,000 car) parking garage. As a matter of fact, the entire Old Brewhouse sits on water. 9-3
  
- 3) Habitat: Capitol Lake provides habitat to various fish, water fowl, river otters, and other aquatic and terrestrial species. If it is restored to being an estuary then it will be even more critical in the life cycles of these species. Any proposed redevelopment of this area would have a serious negative impact on the habitat value of the area, especially when it is returned to being an estuary. This needs to be taken into account. 9-4
  
- 4) Cumulative Impacts: The project being considered appears to fall under the National Environmental Protection Act (NEPA) rather than SEPA. This is because under the Endangered Species Act (ESA), it is a navigable, salmon-bearing waterway, flowing directly into the ocean. Granted the Chinook that go to the Deschutes hatchery are not a natural run, but the Coho that go to Percival Creek are native. Because of a gate at Percival Cove that was placed there by the Washington Department of Fish and Wildlife some of the Coho head up the Deschutes River. This means that cumulative impacts have to be considered under the ESA. Cumulative impacts are defined in the NEPA as, “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal 9-5

or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. (NEPA, 40 CFR 1508.7)”

- 5) Project Placement: With today’s zoning and land use laws and regulations, the placement of a major industrial facility on the banks of an estuary would not have been allowed. In fact, under the 1899 federal Rivers and Harbors Act, it became illegal to excavate, fill, or alter the course, condition, or capacity of any port, harbor, channel, or other areas within the reach of the Act without a permit. The Old Brewhouse, constructed in 1906, is on fill. We should not redevelop the area to not only maintain but actually enlarge the scope and thus the negative environmental impacts of the project. 9-6
  
- 6) Historic Tribal Uses by the People of the Water: Budd Inlet was the home for the Steh-Chass subtribe of the Squaxin Island tribe for approximately 12,000 years. There was a historical village, Steh-Chass, on the banks of the Deschutes River estuary. This village was a ceremonial site, a sacred site, where at least five tribes - the Nisqually, Squaxin, Skokomish, Chehalis, and Duwamish gathered. To further impact these historic tribal lands would constitute further disregard for these people. 9-7
  
- 7) Historic Building: The Old Brewhouse is listed on both the Washington and National Registers of Historic Places. It truly is a historic structure, but it can be preserved as a point of historic interest without further adding to the adverse impacts that development has already had on Puget Sound rivers and estuaries. 9-8
  
- 8) Hazardous railroad shipments: The property in question is bounded by the Union Pacific Railroad right-of-way to the east. Railroad accidents can be catastrophic. Has the city determined what kinds of hazardous shipments are occurring now and what others might be planned? 9-9
  
- 9) Flood plain and sea level rise: The 100 year flood plain currently goes up to the edge of the Old Brewhouse. Any new developments in this area already subject to flooding hazards should be avoided. Why create more new facilities that will either be lost to the rising sea levels or have to be protected through very expensive and major engineering efforts? 9-10

In conclusion, we would like to make the following recommendations:

- 1) Include the issues that we have suggested in the final environmental impact statement.
- 2) Preserve the Old Brewhouse structure for historical and cultural purposes without adding to the adverse impacts that development has already had on Puget Sound rivers and estuaries.
- 3) Collaborate with the local tribes to honor the site in a way that presents their long history of using this area.

- 4) Avoid the adverse impacts of the parking garage and increasing commercial and private vehicle access to the site by considering other alternatives.
- 5) Fully consider hazards that could result from hazardous railroad shipments.
- 6) Fully take into account the impact that sea level rise will have on the property in question.

Thank you for considering our comments.

Sincerely,

Krag Unsoeld, President      Janine Unsoeld, Treasurer

Joanne McCaughan, Ruth Shearer, Doug Canning, Board Members

FW Tumwater Brewery report

From: Chris Carlson  
Sent: Monday, October 26, 2015 12:45 PM  
From: Stephanie Neil [mailto:sneil@squaxin.us]  
Sent: Monday, October 26, 2015 12:06 PM  
To: Heidi Cerniwey; Tim Smith; Rhonda Foster; Margaret Henry  
Subject: RE: Tumwater Brewery report

Tim and Heidi,

Thank you for providing the Squaxin Island Tribe Cultural Resources Department with the Draft EIS for the Tumwater Brewery Planned Action and also for providing us with the Cultural Resource report for the project prepared by Aqua Terra Cultural Resource Consultants. I am responding to you on behalf of Rhonda Foster, THPO.

We agree with the recommendations in both the Draft EIS and Cultural Resource report to have a professional archaeologist monitor all future ground disturbing activities in this area due to the high probability of locating cultural resources and the difficulties encountered during the cultural resource survey. Survey was hampered by a homeless encampment in a high probability area on the north side of the project area and by the amount of fill throughout the project area.

We also agree with the need for an Unanticipated Discovery Plan, however, we would like to see a few changes to the one provided as Appendix B in the Cultural Resource report. On page 3 Tim Smith, City of Tumwater, is listed as the contact for the Chehalis Tribe. The contact for the Squaxin Island Tribe should be Rhonda Foster, THPO, 360-432-3850, rfoster@squaxin.us. The secondary contact at DAHP is listed as Lance Wollwage, but this likely needs to be changed because it is not a WSDOT project. We do not agree with the wording in Section 7 on Page 5. We recommend striking the sentence "If federal agencies are involved, the agencies will make the final determinations about treatment and documentation." It also states "Construction may continue at the discovery location only after the process outlined in this plan is followed and Ecology determines that compliance with state and federal law is complete". Will Ecology be involved in the project once it reaches the construction phase?

10-1

10-2

10-3

Appendix A of the Cultural Resource report includes consultation from the Department of Archaeology and Historic Preservation, Deschutes Estuary Restoration Team, Nisqually Indian Tribe, Nancy Partlow, Harry Branch, and the Department of Natural Resources but the Squaxin Island Tribe is excluded. We sent Tim Smith an email, with a copy to Sarah Amell, on October 29, 2014 concurring with DAHP's recommendations and asking for additional information as it became available. On January 15, 2015 we sent a letter requesting a consultation meeting to the City of Tumwater and DAHP and we met on May 12, 2015. We also consulted with DAHP regarding the excavation permit required to conduct the cultural resources survey.

10-4

We would also like you to know that we do not agree with all of the information in the scoping comments provided by Pat Rasmussen. We are thankful that she has brought

FW Tumwater Brewery report

attention to the fact that this area was very important to native peoples and she has gone to a great deal of work in researching, but some of the information she provided is incorrect.

10-5

We cannot concur with the Draft EIS or Cultural Resource report for this project until changes are made, therefore we request a consultation meeting with the City of Tumwater.

10-6

Thank You,

Stephanie Neil  
Archaeologist, Squaxin Island Tribe  
360-432-3998  
360-972-6631  
sneil@squaxin.us

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**From:** Stephanie Neil <sneil@squaxin.us>  
**Sent:** Tuesday, October 27, 2015 8:30 AM  
**To:** Chris Carlson; Heidi Cerniwey; Margaret Henry; Rhonda Foster  
**Subject:** Tumwater Brewery project

Heidi, Thank you for your phone call this morning.

Chris, Sorry I left you out of the email yesterday and welcome aboard this project.

I believe you understand the issues we brought up in our email yesterday and are working on addressing them so we do not need to set up a consultation meeting at this time. Please keep us informed and let us know when the changes have been made.

Thank You,

*Stephanie Neil*

Archaeologist, Squaxin Island Tribe  
360-432-3998  
360-972-6631  
sneil@squaxin.us





**Nisqually Indian Tribe**  
**4820 She-Nah-Num Dr. S.E.**  
**Olympia, WA 98513**  
**(360) 456-5221**

November 19, 2015

Lance Wollwage  
DAHP  
PO Box 48343  
Olympia, WA 98504-8343

Dear Mr. Wollwage,

The Nisqually Indian Tribe thanks you for the opportunity to comment on:

**Re: Brewery CRA 8 Sept 2015 Final PDF**

The Nisqually Indian Tribe has reviewed the report you provided for the above-named project. The Nisqually Indian Tribe requests Archaeological Monitoring be done for any future ground disturbing activity. Please notify the Nisqually Indian Tribe if there are any Inadvertent Discoveries.

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Sincerely,

Jackie Wall  
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Nisqually Indian Tribe  
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