



Meeting Minutes
Nisqually River Council Meeting
September 21, 2018
Billy Frank Jr. Nisqually National Wildlife Refuge
Information: 360.438.8715

Attendees:

Council Members:

Dan Calvert – PSP	Cathy Hamilton-Wiessner – JBLM
Molly Carmody – City of Yelm	Glynnis Nakai – BFJNNWR
Amy Cruver – Pierce County	René Skaggs – Pierce Conservation Dist.
Matt Curtis – WDFW	Kevin Skerl – Mount Rainier NP
Gary Edwards – Thurston County	David Troutt, chair – NIT
Abby Gribi – Town of Eatonville	

Citizens Advisory Committee Members:

Howard Glastetter	Marjorie Smith
Ed Kenney	Robert Smith
Fred Michelson	Lois Ward
Karelina Resnick	

Guests:

Jeff Barney – Pierce County	Etsuko Reistroffer – NLT/NSS
Drew Crooks – Author	Jim Reistroffer – NLT/NSS
Rebecca Kowalski – JBLM	Ashley Von Essen – NIT
Daniel Hull - NRNC	Nora White – Thurston Conservation Dist.
Martin McCallum – NLT/NSS	Gary Winans - NOAA

Staff:

Kim Bredensteiner – NLT	Emily McCartan – NRF
Brandon Bywater – NRF	Chrissy Webb – NRF
Justin Hall – NRF	Sheila Wilson – NRF
Pete Grebowski – NLT	

1. Call to Order, Introductions, Approval of Minutes and Agenda

David called the meeting to order at 9:03am. The minutes were approved, as was the agenda for the day.

2. Committee Reports and Updates

Advisory Committee Reports

Citizens Advisory Committee – Lois Ward

The CAC discussed Thurston County mineral lands designation changes. There are concerns about the proposal to dramatically reduce the buffer zone required between parklands and mining operations. The CAC still hopes to hear answers from TPU on their questions about flood risk and management practices at Alder Dam. The CAC also heard updates on the Zangle Cove aquaculture lawsuit and Manke Powell Creek Complex property purchase

options. Ed brought to the group's attention a fast-moving issue in DuPont regarding planned development of two new warehouses in the Sequatchew Creek area. They would interrupt the trail and historic sites, including the site of the oldest church in Washington. The City is moving quickly and information has been hard to get regarding public hearing. The public comment period is closed but the decision will likely be finalized in mid-October, so letters to the mayor and city council are still timely. Tom Skjervold with the Nisqually Delta Association is reaching out broadly to raise awareness and try to protect the historic area.

The next CAC meeting will be open to the public to learn and offer comment on the Nisqually Water Planning Unit's current work on exempt well mitigation. George Walter will be speaking and answering questions. Lois represents the CAC on the Planning Unit.

Chair Report - David Troutt

David gave the keynote at the Nisqually Reach Nature Center's annual fundraiser this month, which was a great and successful event. He also did a marine tour with the Land Trust to look at shoreline protection priorities in South Puget Sound.

The Governor's Orca Task Force has submitted its draft recommendations. The final report will come out in November. David noted that it's an incredible challenge to protect a keystone pinnacle predator in a highly urbanized environment with decreasing food availability and increasing competition from other animals. Ecosystems are never out of balance: they're just in a different balance than we're used to seeing, and the current balance may not be favorable for SRKWs or salmon, which requires us to take some educated risks. Seal/marine mammal populations are one major challenge, eating six times the number of salmon that killer whales are. The final report is expected to include baseline recommendations like funding for salmon habitat, and will discuss options for managing seal populations, HPA issues along marine shorelines, and dealing with rapid population growth in Puget Sound. of people each month moving into the Puget Sound area. The NRC should consider what role it wants to play in these ongoing policy conversations. We will tee up a presentation on orcas as the report comes out.

Discussion:

Hope to see scientific approach from the Task Force carry forward into policy solutions adopted by the Legislature and other bodies. Ongoing research, monitoring, and adaptive management will be needed, but the most important thing is agreement to take action, which is the biggest challenge (we've known what needs to be done to recover salmon populations since 1999, and have only implemented about 10% of it. This might be the major opportunity to make a difference, because of the worldwide connection to the story of the orcas (J35 and her dead calf). There is a sense of urgency now. The Tribes are very frustrated, since they have been saying for years that the loss of fish and culture were becoming a crisis. While some sports fishermen from out of the area have a negative perception of tribal fishing, local fishermen educate them about the Tribe's role in producing salmon and protecting water and fish. NWIFC also works to inform the public.

Staff Report – Emily McCartan

Emily has been supporting the Planning Unit meetings and report development for WRIA 11 exempt well/streamflow restoration planning. She has received some additional comments

and survey responses on the NWSP Report priorities and will brief the Council at an upcoming meeting about next steps. The Nisqually Stream Stewards class will wrap up next week after a great summer with presentations and field experiences from numerous partners around the watershed. Emily has been working on communications and outreach for the Nisqually Watershed Festival, coming up on September 29 here at the Refuge.

Allied Program Reports

Nisqually Land Trust – Kim Bredensteiner

Recent events (yacht cruise and salmon bake) have gone well. New staff at the office: Pete Grebowski as Land Steward, Rylee Urich as administrative assistant, and Ashley Stefford as AmeriCorps volunteer coordinator. Addie Schussel has moved from the AmeriCorps position to Stewardship Assistant. NLT continues to work on grant applications for new properties and ongoing projects. Summer stewardship activities are wrapping up and moving into prep for fall plantings.

Nisqually River Education Project – Sheila Wilson

As part of this year's contract negotiations, Yelm teachers pushed to end required participation in NREP's water quality monitoring program. Yelm has a district-wide "all or nothing" curriculum policy, so for several years they have required all 5th grade teachers to participate in order for any classes to do it. It's unfortunate, as Yelm was a founding partner in the NREP program. The program is labor-intensive and requires a lot of commitment, so while some teachers were enthusiastic, not all teachers were. Yelm has applied for a STEM grant to host after-school science clubs to allow some participation as an option. NREP has looked at other water quality program models in the state – some give grant funding to put more support in classrooms to take the burden off teachers. We need to decide if it's enough of a priority that we want to seek funding to staff up to that level.

The NOAA B-Wet grant starts a new fellowship program for teachers on Climate Literacy Action Monitoring in South Sound (CLAMSS) focused on ocean acidification and student-designed investigations on the beach. Will be working with the NRNC this spring, as well as finishing up previous Climate Resiliency Fellows grant, with students taking action on carbon footprints in their communities. NREP is also preparing for a ton of plantings this fall, 6 days each at Middle Ohop and Mashel 3, as well as Coyote Bridge.

Chrissy Webb is NREP's AmeriCorps/WSC volunteer this year. She graduated from the University of Montana with a degree in Environmental Studies and this will be her second year living in Washington.

Nisqually River Foundation – Justin Hall

Justin was recently at OSU for additional training on the VELMA model. His most recent Ag Forestry trip was to Eastern Washington to look at irrigation, vineyards, hops, and cannabis – the scale and labor issues were amazing to see.

Salmon Recovery Program – Ashley Von Essen

Watershed Festival is coming up on Sept. 29! Volunteers are still needed – sign up with Peter Yager at the Refuge. Lots of plantings coming up this winter at Middle Ohop 3, Mashel 3,

TPU understory along the mainstem. Construction is done at Mashel 3 and should be cleaned up soon. This is the end of a restoration design developed in 2004. The Yil Me Hu newsletter will be going to print next month. Ecology grants will be available soon for water quantity projects related to WRIA planning. Eatonville stormwater plan is rising to the top of the list.

3. Thurston Conservation District Rates and Charges Proposal

Rates and Charges are small per-acre fees, which support services to landowners and education projects. TCD funding has been drastically curtailed for a number of reasons: two board members were investigated by state commission and recommended for removal for political malfeasance. That situation remains unresolved. The Board hasn't been willing to sign contracts for TCD work, resulting in loss of staff. Rates and Charges proposal represents about \$5 per landowner, but collectively adds up to \$600,000 – 1/3 of the TCD budget. Base funding is heavily leveraged as a multiplier for staff and infrastructure to pursue grants benefiting farmers, technical support, environmental and productive support for members of our counties. South Sound GREEN, the education program at TCD, is a major partner for NREP and serves students all over South Sound. The Thurston County Board of Commissioners will be hearing the proposal on Tuesday, Sept. 25, 5:30pm at Thurston County Courthouse. Emily will work with René and Dan to draft a letter supporting the proposal and circulate in time for the comment period, and others are encouraged to attend and express support as well.

4. Initiative 1631 – Paula Swedeen, Conservation Northwest

This ballot initiative would institute a carbon fee on large emitters of CO₂, and invests the funds in a variety of ways to help mitigate/adapt to climate change.

- Fee: \$15/metric ton of CO₂ on large emitters (25,000 metric tons/year by an entity), mainly large manufacturers and energy producers.
- Fee increases \$2/ton each year until 2035. The goal is to reduce emissions by 20 million metric tons total by 2035, 50 million by 2050. When the 2035 target is reached, the fee freezes, unless the state is not on trajectory to meet 2050 goals.
- Applies to energy imported into the state, such as electricity from a coal-fired plant out of state, oil imports, etc.
- Exemptions for “energy intensive, trade exposed” industries (aerospace). This guards against concerns that state-by-state climate policy could cause affected industries to leave the state and cost local jobs.
- Fear of doing climate policy state-by-state is that industries could be so affected that they could leave the state and lose jobs. This initiative was an inclusive effort from the ground up, involving a wide range of stakeholders (labor unions in this sector, communities of color, environmental groups, Tribes)

The 2016 initiative was revenue neutral (lowered taxes). In contrast, I-1631 would invest funds into two major tracks:

- 70% of fees collected: projects to directly reduce CO₂ emissions by investing in clean energy, transportation infrastructure, and natural systems that absorb CO₂, including forestlands, agriculture, and aquatic carbon sequestration.
- 25%: invest in climate adaptations (forest management for resilience from drought, bugs, fire; water infrastructure; easements on existing farmland, restoring wetlands,

preventing conversion of forestlands and preserving habitat connectivity). Upper watershed Nisqually Community Forest plans would qualify.

- 10% of funds in both categories must go to projects initiated by Tribes.
- 10% must address needs of vulnerable communities impacted by pollution or climate change.

Initiative creates a board that helps decide how those funds are distributed, according to the law. Subprograms will require agency rulemaking – agriculture, blue carbon through DNR, forestry under RCO. Agencies will convene groups to write the rules for implementation. It's long for an initiative, but even so, it intentionally leaves program details open-ended so stakeholder groups can design projects for their needs.

Discussion:

How has coalition addressed data farming on Columbia River (Bitcoin, etc)?

- Many data farms are already offsetting CO2 through other means, and if so they wouldn't be affected.

Are there any affected business in our area?

- Lumber mills, oil refineries. Aluminum smelters might be exempt.

Will it help control exhaust from trucks, cars, gravel mining trucks, etc.?

- Could affect several ways. Increase price of fuel, prompt fuel manufacturing sector to reduce amount of CO2. Consumers might use less as well. The mitigation investment section seeks to improve technologies to reduce those kinds of emissions.

How much money is expected to be generated?

- Around \$1 billion per year starting out. Could increase over time, but if it's doing its job, it should decline as emissions decline.

How was the definition of large emitters as 25,000 tons/year determined?

- Standard used by Ecology and other EPA tracking databases, to capture the most emissions with the fewest number of entities, for efficiency in regulation sake. Entities above 25,000/year is over 85% of emissions. Ecology has a list of entities that meet the threshold.

Blue Carbon initiative?

- Initiative doesn't specify in detail, but restoration and protection for nearshore wetlands and marine environments that have capacity to absorb Co2 would be candidates for grants.

Are any other states looking at similar policies?

- Oregon is considering Cap and Trade. Other big cities and states in the West Coast and Midwest are starting to consider similar ideas, in the absence of federal action.

What does the opposition look like?

- It may cause gas prices to go up between \$0.15-0.40/gallon through 2035. In the last year, just from regular market forces, they've gone up \$0.50/gallon, so the impact is small relative to that, but will still be significant for consumers. The initiative provides mechanisms for rebates for very high fuel prices. This is one of the most carefully constructed efforts out there to deal with the social impacts of climate change and to jumpstart investment in sectors creating jobs. Proponents are focused on get out the vote efforts – sense is that it's doing well, but not a sure thing. There is big money and sophisticated messaging on both sides.

Funding from this initiative could bring \$100 million/year to projects in the NRC universe. Having a predictable funding stream like this would address one of the major challenges

we've faced in the past in competing for state and federal project dollars. Funding programs would be overseen by a board appointed by the governor, with particular programs at state agencies tasked with fleshing out the details. Working Lands forest sequestration will be housed in RCO, charged with bringing stakeholders together to create the policy.

It was moved and seconded that the NRC vote to formally endorse I-1631. Reservations were expressed by members in smaller, remote communities facing transportation/economic impacts from fuel prices if transportation infrastructure investments don't materialize. Some members indicated that their agencies would have to recuse themselves from a vote because they cannot take a position on a ballot measure. The motion was withdrawn and discussion was tabled until the next meeting, which should address the NRC's overall approach to political issues and then its position on I-1631.

5. **Evaluating Biodiversity in the Salish Sea at two levels** – Gary Winans, NOAA

Presentation Link: <https://www.slideshare.net/Nisqually/evaluating-biodiversity-in-the-salish-sea-at-two-levels>

Gary studies biodiversity, looking at distinct genetic populations within species, as well as variety of species present. Populations are locally adapted to their neighborhood, and/or are randomly changed within an area due to isolation from other populations. As the environment changes, species and populations have to adapt to:

- global climate change
- urban growth
- sudden man-made disasters

Determining biodiversity at the population level helps us figure out the genetic neighborhood, catalogue intra-species specific diversity of colors, sizes, shapes, etc., and develop management and monitoring plans for environmental changes. Genetic population studies have been used in conservation efforts (ex: eelgrass and Olympia oysters), management efforts (chum salmon, documenting migration pathways that stayed fairly discreet for genetically distinct Canadian and US populations) and education (training high school teachers and students to collect genetic data on English sole and spot prawn).

ARMS – Autonomous Reef Monitoring Structures

ARMS structures were used first in monitoring coral reefs. They allow data collection on understudied small animals. The Nisqually station (along with Shannon Point, Manchester, and Neah Bay) were first in colder-water habitat in Salish Sea. ARMS are deployed to rest on the bottom, three at a time in a 10m triangle, and left for at least one year. When collected, identify everything above 2mm, then scrape biofilm and identify microorganisms in the lab. Vertebrates are photographed and thrown back. Samples are preserved, so future studies on chemical contaminants or other research can be done any time. Vertebrates get photographed and thrown back.

Nisqually sample was from Anderson Island, East Oro Bay. It included 28 species (460 animals) – lots of Pygmy Eualis and dock shrimp, blackclaw crab, 9 species of worms (a Nisqually specialty, possibly because of muddy substrate habitat), brittlestar and green urchins, 5 species of mollusk, and more. DNA analysis of the sample is going on right now, and will yield more information.

Gary hopes to deploy ARMS in a wider variety of habitats and collect longitudinal data to see the direction of change over time, since samples are preserved. This study is the first step in what will hopefully be a long undertaking.

6. Remembering Medicine Creek – Drew Crooks, Historian

Presentation Link: <https://www.slideshare.net/Nisqually/remembering-medicine-creek>

Washington Territory was established in the 1850s, and extended all the way to the Rocky Mountains. It was a place of repeated conflict between native peoples, who had lived here for at least 10,000 years, and European settlers. Tribes were not organized political entities as we think of them today, but were rather groups of independent villages tied by culture, language, family, and trade connections. Groups were associated with different watersheds and inlets.

Starting in 1840s, tens of thousands of American/European immigrants came to this area. Rich ones came by ship, poor ones came overland. American settlers were driven by the goal of owning land. The territorial Al-Ki seal shows the settlers' vision: a cabin, forest, covered wagon on one side, becoming a city with shipping, businesses on the other. Al-Ki means by-and-by, sooner or later, in the Chinook jargon. The US Donation Land Claim Law gave a couple 640 free acres for cultivation to encourage settlement. Because Native Americans legally owned the land (never sold or given away), the US wanted to obtain legal ownership by purchasing it. Isaac Stevens was in charge of these "negotiations" as first territorial governor, treaty commissioner, and Superintendent of Indian Affairs appointed by President Franklin Pierce. Stevens was known by contemporaries as intelligent and energetic, but proud, judgmental, and convinced he was right – prone to making enemies.

Stevens planned a series of councils negotiating with groups of Native Americans. The first (on December 25, 1854) was held at She Nah Num (Medicine) Creek, because it was near Olympia. The name refers to spiritual medicine – the creek was a site of spirit quest, as well as a traditional meeting place accessible by land and sea. Steven's delegation included other government officials and his 14-year-old son, Hazard. The treaty was imposed on the Native representatives without a lot of negotiation – it was written up by US officials before the council without input. Native participants included 660 people from what became the Nisqually, Squaxin Island, and Puyallup Tribes. Stevens appointed "chiefs" and "sub-chiefs," who were informal leaders of the group; Quiemuth was selected as chief, with his half-brother Leschi as sub-chief. Language barrier required a two-step translation from English through Chinook trade jargon (which had a basic 300-400 word vocabulary) into Lushootseed, resulting in a predictable amount of misunderstanding. Stevens signed the treaty on December 26th, while Native leaders put Xs. The treaty was ratified by the US Senate and signed by the President in 1855.

Because of the events that followed (Leschi's resistance and execution and Quiemuth's murder), it was believed from the get-go that that wasn't the whole story. 50 years later, Ezra Meeker wrote a book interviewing numerous Native Americans who had attended the council most of whom reported not understanding what was going on. Some agreed it was the most peaceful way to go. Some, led by Leschi, opposed the treaty. There were accounts of Leschi ripping up his appointment as subchief and refusing to sign (making his X a forgery). It's not

clear if that happened, given the length of time between the treaty and Meeker's book, but Tribes and many historians believe it did. Stevens was not known for scrupulous honesty and there was documentation of him forging marks on later treaties.

The Medicine Creek Treaty is short, 13 articles. The key provision for the US is the purchase of 2,240,000 acres (all of Thurston, Pierce, and parts of King and Mason county) for \$32,500 in trade goods, paid out over years (about \$20 worth of goods for every native person living on the land). The US government agreed to provide a doctor, school, and blacksmith services to the Tribes. Reservation lands were not sold, and therefore retained (not given) to the Tribes. Reservations at first included Squaxin Island, area for Nisqually up on the hillside off She Nah Num Creek, away from Nisqually and their villages (very sore point), Puyallup on Commencement Bay. Provisions included that tribes had to free their slaves, although the US still allowed slavery. Tribal people retained right to fish at all usual and accustomed places, hunt and gather roots and berries, which later became the significant provision for the Boldt decision and other rights negotiations. At the time, Stevens likely did not believe it was important, assuming that Native people would go extinct or be assimilated as farmers. Until then, easier to have them fed by hunting and fishing than government rations. The treaty allowed the President of the US to change reservations at will if needed (there was a plan to consolidate all tribes into one reservation, which never happened).

Stevens' subsequent treaty negotiations across Washington Territory continued through 1854 and 1855. They got more difficult as time went on, as Native Americans organized opposition. The Puget Sound Indian War and Yakima Indian War of 1855-1856 were fought over opposition to the treaties (led by Leschi and Quiemuth on the western side). The tribes lost to Stevens' territorial militia. In 1856, Stevens met again with west side tribal representatives and changed the reservations, increasing acreage and moving the Nisqually Reservation back to the river. The treaty reservations have changed again since then; as Tacoma grew, the Puyallup Tribe lost all their land but the cemetery, with a reservation reestablished by land settlement later. The expansion of Camp Lewis in 1917 took over half of the Nisqually Reservation. Leschi (executed after two trials in 1858) and Quiemuth (murdered in Olympia in 1856) are considered heroes by the Nisqually people. A Historical Court retrial in Tacoma in 2004 exonerated Leschi. No trial has ever been held for the murder of Quiemuth. The tallest place in Thurston County is Quiemuth Peak.

There is a historic marker of the treaty site on the bluff where the Treaty Tree was located until it blew down in 2006. The Refuge itself is also a reminder of the treaty, as the site of two worlds coming together, creating conflict and precedent that influences circumstances today.

7. For the Good of the Order

Pierce Conservation District received funding through Natural Resource Conservation Service for \$8 million - \$7 million for agricultural conservation easement purchases to protect farmland, and \$800,000 for best management practices implementation on farmland. Have been granted permission to extend into the Nisqually, including Thurston County areas.

The Nisqually Stream Stewards and Nisqually Land Trust will host the fall planting event on October 27. The Watershed Festival is September 29!